

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of Decision: 28th February, 2023

226	CRM-M-55842-2022	
Ravi Kumar		... Petitioner
Versus		
State of Punjab		... Respondent
232	CRM-M-5629-2023	
Kajal Kumari		... Petitioner
Versus		
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kunal Choksi, Advocate for
 Mr. SPS Khaira, Advocate and
 Mr. G.S. Simble, Advocate for the petitioner(s).
 Mr. Iqbal Singh Mann, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. These second petitions under Section 439 of the Code of Criminal Procedure are filed seeking regular bail in FIR No.134 dated 29.8.2021 under Sections 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') registered at Police Station Doraha, District Ludhiana.

2. Earlier petitions were dismissed as withdrawn.

3. Brief facts are that on 29.8.2021 the police party apprehended the petitioners under bridge at Araichan Chowk and 22 kg Ganja was recovered from the plastic bags.

4. Learned counsel for the petitioner submits that the petitioners are in custody since 29.8.2021. The petitioners are not involved in any other case, investigation is complete, no further recovery is to be made. He

further submits that the recovery is not a commercial quantity and the plastic bag was weighed along with the contraband. He relies upon the decision of the Supreme Court in *SLP (Crl.) No. 6690 of 2022-Dheeraj Kumar Shukla vs. The State of Uttar Pradesh*, decided on 25.1.2023.

5. Learned State Counsel opposes the prayer for grant of bail however, is not disputing the fact that there is no progress in the trial and only two prosecution witnesses have been examined.

6. Without commenting on the merits of the case and considering that the recovery from the petitioners was marginally higher than the quantity stipulated in the Schedule to the Act for commercial quantity, the custody period, the fact that though investigation is complete conclusion of trial is likely to take time, no further recovery is to be made from the petitioners, they have no criminal antecedents and the Supreme Court in *Dheeraj Kumar Shukla's case* (supra) granted bail, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petitions are allowed.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main cases have been decided, the pending application(s), if any is rendered infructuous.

11. Photocopy of this order be placed on the file of the connected case(s).

(AVNEESH JHINGAN)
JUDGE

28th February, 2023