

CRM-M-7785-2023

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2023:PHHC:039312

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-7785-2023

Date of Decision: 16.03.2023

Avtar Singh @ Gholla

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Navkesh Singh, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Reply dated 16.03.2023, by way of affidavit of Sh. Harsimrat Singh, Deputy Superintendent of Police, Sub-Division Payal, Police District Khanna as well as the custody certificate dated 15.03.2023, filed by learned counsel for the State, are taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 127 dated 28.11.2022 registered under Section 15 of the NDPS Act (Sections 25 and 29 of the NDPS Act were added later on) at Police Station Payal, Khanna, District Ludhiana.

According to the prosecution story, on 28.11.2022, the police had intercepted one white colour car make Beat, bearing registration No. PB-10-EP-5208. Two persons i.e. co-accused-Darshan Singh and the petitioner were inside the said car and from their possession 7 Kgs. of poppy husk was recovered and they were arrested. During interrogation, co-accused-Darshan Singh, got recorded his stated that he along with the petitioner brought one quintal of poppy husk from Rajasthan which they intended to sell jointly. The remaining contraband is concealed inside his house. On the basis of said disclosure statement of co-accused-Darshan Singh, 93 Kgs of contraband was recovered from his house on 29.11.2022.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The contraband recovered from the petitioner falls under the category of 'non-commercial quantity'. He is not involved in any other case under the NDPS Act. Petitioner is in custody since 18.11.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, period of custody and the fact that the contraband recovered from the petitioner falls under the category of 'non-commercial quantity', but

without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Avtar Singh @ Gholla, is ordered to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

March 16, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No