

CRM-M-8004-2023

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

CRM-M-8004-2023

Date of decision: 16.08.2023

Lucky Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.288 dated 19.11.2020, registered at Police Station Sardulgarh, District Mansa, under Sections 22, 25 and 29 NDPS Act.

2. As per the prosecution version, the petitioner was found in possession of 1200 intoxicating capsules.

3. Learned counsel for the petitioner contends that though the extent of intoxicating capsules allegedly recovered in the present case, falls under commercial quantity, yet the fact remains that the petitioner has been in custody since 23.11.2020 and that out of 12 prosecution witnesses, only 03 witnesses have been examined so far. So far as another case i.e. FIR No.165 dated 03.07.2019, Police Station Sardulgarh, under Section 27 NDPS Act, registered against the petitioner, is concerned, he was booked for consuming intoxicants and no recovery had been effected from him and he has been bailed out therein.

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4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery of intoxicating capsules effected in the present case, falls under commercial quantity and that Section 37 NDPS Act bars the grant of bail to the accused in case of commercial quantity. It is further submitted that the petitioner is a habitual offender and that material witnesses are yet to be examined.

5. I have heard the learned counsel for the parties.

6. Indisputably, extent of intoxicating capsules recovered in the present case, falls under commercial quantity, but the fact remains that the petitioner has been in custody for the last 02 years, 08 months and 24 days. As many as 09 prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. As stated above, the petitioner was booked in another case i.e. FIR No.165 dated 03.07.2019, Police Station Sardulgarh, under Section 27 NDPS Act, for consuming intoxicants and no recovery had been effected from him and he has been bailed out therein.

7. In view of the above, this Court finds that no useful purpose would be served by keeping the petitioner behind the bars. Without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.08.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No