

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

**CRM-M-8881-2023**

**DECIDED ON: 27.03.2023**

**SUKHDEV SINGH @ DEV**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Vishavdeep Singh Rana, Advocate  
for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 56, dated 12.12.2022, under Section 15 of NDPS Act, 1985, registered at Police Station Nangal Bhoor, District Pathankot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The recovery effected from the petitioner is of 23 Kg of poppy husk which falls under non-commercial quantity. The petitioner is in custody since 12.12.2022.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. As per the custody certificate the petitioner has undergone the incarceration for a period of 3 months and 8 days as of now and is not involved in any other case. He does not dispute the factum of recovery of contraband which is of non-commercial in nature.

Considering the fact that the recovery effected from the petitioner is of non-commercial in nature added with the facts that challan stands presented wherein conclusion of trial shall take sufficient long time, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)  
JUDGE

27.03.2023

Meenu

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |