

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213

CRM-M-10268-2022

Date of Decision: 10.05.2023

Ashok Sharma @ Ashoki

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. J.S. Warring, Advocate for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

1. Custody certificate dated 09.05.2023 filed by learned counsel for the State is taken on record.
2. The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 165 dated 22.10.2021 registered under Section 22 of the NDPS Act at Police Station City-1, Mansa, District Mansa.
3. According to the prosecution story, on 22.10.2021, the petitioner was apprehended by the police with conscious possession of 11 vials of WINCIREX, weighing 100 ml each and 110 tablets Carisoma, without any licence or permit.
4. Learned counsel, *inter alia*, contends that the petitioner has falsely been implicated in the present case. He further contends that as

per FSL report, 110 tablets Carisoma contains the sale “Carisprodol” does not fall in the Schedule of NDPS Act as prohibited during. The quantity of 11 vials of WINCIREX recovered from the petitioner is marginally above the ‘commercial quantity’. Petitioner is not involved in any other case. He is in custody since 22.10.2021. 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 he may be released on regular bail.

5. On the other hand learned State counsel vehemently opposed the submissions of learned counsel for the petitioner. However, he fairly conceded the fact that the petitioner is not involved in any other case.

6. Keeping in view the facts and circumstances of the case, period of custody and the fact that the quantity of contraband recovered from the petitioner is marginally above the ‘commercial quantity’, but without commenting anything on merits of the case, the present petition is allowed.

7. Petitioner-Ashok Sharma @ Ashoki, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

10.05.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No