

CRM-M-11492-2023

Date of decision: 14.03.2023

BAM BAM KUMAR @ RAJU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohit Vashishat, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Bam Bam Kumar @ Raju-petitioner is seeking regular bail in the case bearing FIR No.03 dated 03.01.2023 under Sections 20 of Narcotics Drugs and Psychotropic Substances Act, 1985 registered at Police Station GPR, District Ludhiana.

Briefly, as per the allegation of the prosecution, 03 kgs of ganja has been recovered from the bag being carried by the petitioner.

Learned counsel for the petitioner contends that the quantity of contraband allegedly recovered from the possession of the petitioner falls in the category of non-commercial quantity and the petitioner is in custody for a period of 02 months and 06 days. The investigation of the case is complete, challan has been presented and charge has been framed but no witness has been examined till date. Besides, the petitioner is involved in another case under NDPS Act but he is on bail in that case.

Learned State counsel has opposed the bail application on the score

that the petitioner was on bail in another case under NDPS Act when the present case has been registered and out of 10, no witness has been examined till date.

Be that as it may, the quantity of contraband recovered in the instant case falls in the category of less than commercial quantity and as such, stringent provisions of Section 37 of NDPS do not come into play. The petitioner is in custody for a period of 02 months and 06 days, the investigation of the case is complete, challan has been presented and charge has been framed but no prosecution witness has been examined till date. The case of the prosecution is based upon the official witnesses only and as such, it cannot be said that the petitioner can in any manner win over or influence the witnesses. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

14.03.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No