

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

**CRM-M-16463-2023
Date of Decision: 13.04.2023**

**GURDEEP SINGH ALIAS LADDY
V/S
STATE OF PUNJAB**

**... PETITIONER

... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 07 dated 17.01.2023 under Sections 15(a), 18(b) and 27(a) of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Kalanaur, District Gurdaspur.

Custody certificate has been taken on record.

Briefly, as per the allegations 990 gms of poppy husk, 400 gms of opium along with cash amounting to Rs. 35000/- has been allegedly recovered from the petitioner. The quantity of contraband recovered from the possession of the petitioner falls in the category of less than commercial quantity. Furthermore, there is nothing to indicate that the amount of Rs. 35,000/- recovered from the petitioner form part of the drug money or he had been financing the activities of illicit trafficking of narcotics. The petitioner though involved in another case under NDPS Act but is on bail in that case.

Learned State counsel has opposed the bail application on the score that the petitioner is involved in another case under NDPS Act and the report of FSL has not yet been received.

It is significant to note that the quantity of contraband alleged to have been recovered from the possession of the petitioner falls in the category of less than commercial quantity. There appears to lack of material to indicate that money recovered from the petitioner was earned out of drug trafficking or he had been in any manner financing the activities of illicit trafficking of narcotics. As such, the stringent provisions of section 37 of the NDPS Act do not come into play. Though the petitioner is involved in another case under NDPS Act but is on bail in that case. The report of FSL has not yet been received. As such, the conclusion of investigation and presentation of challan is likely to take some time. The custodial interrogation of the petitioner is over and he is in custody for a period of 2 months and 23 days.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

13.04.2023

Manoj

(VIVEK PURI)
JUDGE

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