

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-19321-2023

Date of Decision: 25.04.2023

Gurpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Prabhjot Kaur, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 23.04.2023 filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No.0080 dated 01.10.2022 registered under Section 18 of the NDPS Act at Police Kheri Gandian, Patiala.

According to the prosecution story, the petitioner was apprehended by the police with conscious possession of 2.7 kgs of opium, without any licence or permit.

Learned counsel, *inter alia*, contends that petitioner has falsely been implicated in the present case. The quantity of contraband allegedly recovered from the petitioner i.e. 2.7 kgs of opium is slightly above the 'commercial quantity'. Petitioner is not involved in any other case. After completion of investigation, challan has already been presented before the trial Court and the case is at the stage of framing of

charge. Nothing has to be recovered from him. Petitioner is in custody since 01.10.2022. 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 he may be released on regular bail.

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

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that he is not involved in any other case and also that the quantity of contraband recovered from the petitioner is slightly above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner, namely; Gurpreet Singh, 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.

25.04.2023

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No