

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21945-2023
Decided on : 02.08.2023

Balbir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. H.S.Sullar, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.11 dated 21.02.2023 under Section 21(b), 15 (a), 27(a) NDPS Act registered at Police Station Kalanaur District Gurdaspur.

2. Learned counsel for the petitioner *inter alia* contends that it was a case of chance recovery wherein a recovery of 10 gm heroin along with 2 kgs of poppy husk was allegedly effected from the petitioner while he was riding his motorcycle. Still further, there was no compliance of the mandatory provisions of Section 50 of the NDPS Act which clearly hinted towards the false implication of the petitioner. It has lastly been prayed that since the petitioner is not involved in any other case under the NDPS Act coupled with

the fact that the challan stands presented before the trial court, he be enlarged on bail as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions, has submitted that besides the aforementioned recovery, a sum of Rs.20,000/- too was effected from the petitioner. However, it has not been disputed that the alleged recovered contraband does not fall under commercial quantity and that no other criminal case much less under the NDPS Act is pending against the petitioner.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 21.02.2023. The investigation is complete as challan stands presented. The trial will take considerable time to conclude as charges are likely to be framed on the next date of hearing and as many as 12 prosecution witnesses have been cited. Hence, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case. Needless to add, that in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of bail granted to him.

02.08.2023
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(MANJARI NEHRU KAUL)
JUDGE

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