

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

Sr. No.206

CRM-M-24778-2023

Date of Decision: 19.05.2023

SURAJ @ ROFFI

.... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

The present petition has been under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.230 dated 26.11.2022, under Sections 21(b), 21, 22(c) and 29 of NDPS Act, Police Station Dinanagar, District Gurdaspur.

As per allegations levelled against the petitioner, he was found in possession of 860 intoxicant tablets of Alprazolam weighing 10 grams each, with total weight of intoxicant to be 107 grams.

Learned counsel for the petitioner submits that the investigation has been completed with the filing of challan and the recovery in the present case is marginally higher than the non-commercial quantity.

On the other hand, the prayer made by the learned counsel for the petitioner is opposed by learned State counsel. He submits that there are 05 other cases of NDPS Act registered against the petitioner, but he is on bail in those cases as the recovery all of them is non-commercial in nature.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that investigation stands completed followed by filing of challan; but charges are yet to be framed, thus the trial is likely to take some time, as the prosecution has cited 10 witnesses. Though the petitioner is involved in other NDPS cases, however, the alleged recovery in those cases is only non-commercial in nature and the recovery in the present case is marginally higher than the non-commercial quantity. Thus considering the fact that the petitioner has already undergone incarceration period of about 06 months, I do not find any reason to extend his incarceration.

In view of the above, without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

It is, however, made clear that in case the petitioner is found involved in any other case of NDPS Act in future, the prosecution shall be at liberty to seek cancellation of his bail even in the present FIR.

(HARKESH MANUJA)
JUDGE

19.05.2023

M.Sikka

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