

(204)

2023:PHHC:078637

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

CRM-M-25154 of 2023

Date of Decision: May 30, 2023

**Shamsher Singh alias Husna
Versus
State of Punjab**

...Petitioner

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gurinder Singh Hayer, Advocate
for the petitioner.

DEEPAK GUPTA, J.(Oral)

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C in case FIR No.62 dated 25.05.2022 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Badhni Kalan, District Moga.

As per allegations of the prosecution, 100 intoxicating tablets each were recovered from the petitioner and co-accused Kuldeep Singh @ Soni. It was found that total quantity of Etizolam contained in the tablets were 7.714 and 7.756 grams, falling within the ambit of commercial quantity.

It is contended by learned counsel for the petitioner that petitioner has been falsely implicated as no insane person would keep the intoxicating tablets in transparent ploythene.

Learned counsel for the petitioner has referred to **Munish Kumar Versus State of Punjab, (Punjab and Haryana) : Law Finder Doc Id # 1963025** and **Kulwinder Kaur Versus State of Punjab, (Punjab and Haryana) : Law Finder Doc Id # 2004195**.

In both the above cases, though the recovery of commercial quantity was effected but recovery was allegedly effected from transparent ploythene bag. It was observed by Co-ordinate Bench of this High Court that this made the case of the prosecution doubtful and the bail was allowed.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent- State. Custody certificate has been placed on record by learned State Counsel.

As per the custody certificate, petitioner is in custody for the last 10 months and 1 days; although he is involved in one more case but no other case under the provisions of the NDPS Act is registered against him.

Apart from above, similarly co-placed accused Kuldeep Singh @ Soni has already been allowed bail by this Court vide order dated 12.04.2023 in CRM-M-4159 of 2023.

Having regard to the aforesaid facts and circumstances and on the ground of parity also, but without commenting anything further on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

May 30, 2023

renu

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No