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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25050-2023

Date of decision : 22.05.2023

ARVINDER SINGH @ ARVINDER SINGH SIDHU

.....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.29 dated 13.04.2023, registered under Sections 21, 61, 85 of NDPS Act, 1985, at Police Station Daresi, District Ludhiana.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since 13.04.2023. Recovery of the contraband made from the petitioner is merely 37 grams of heroin which falls under the category of non-commercial as such the embargo under 37 of NDPS Act would not apply in the case of the petitioner.

Learned counsel for the State opposes the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and already involved in two more cases under the NDPS Act registered against him.

Learned counsel for the petitioner contended that out of these two

cases, the petitioner stands acquitted in one case vide judgment dated 23.02.2021 (Annexure P-3) and in another case he was granted regular bail by the learned Trial Court vide order dated 19.02.2018 (Annexure P-4).

Keeping in view the facts and circumstances of the case, as the alleged recovery from the petitioner falls within the non-commercial quantity, this court is inclined to grant him regular bail.

Accordingly, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the CJM/learned Special Judge, Ludhiana.

22.05.2023
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No