

2023:PHHC:076327

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

CRM-M-25719-2023

Date of Decision: 25.05.2023

SHIVAM SHARMA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Inderjit Sharma, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 0076 dated 11.04.2023 under Sections 18 and 27-A of the NDPS Act registered at Police Station City Gurdaspur, District Gurdaspur.
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that the petitioner alongwith co-accused Vinay were apprehended on 11.04.2023 and 50 grams of opium was recovered from Vinay, co-accused. Only a sum of Rs.1,000/- has been recovered from the possession of the petitioner. The petitioner is not involved in any other case.
4. Learned State counsel has opposed the bail application on the score that the petitioner alongwith co-accused were in joint conscious possession of the contraband which was being carried on a moped being driven by the petitioner. Moreover, Rs.1,000/- and Rs.24,000/- have been recovered from the petitioner and co-accused, respectively and the offence under Section 27-A of the NDPS Act has also been added.

5. It is significant to note that the mere recovery of a sum of Rs.1,000/- from the petitioner cannot be termed to be a significant aspect to conclude that he was indulging in financing directly or indirectly any of the activities pertaining to the trade in narcotics. Moreover, the quantity of contraband recovered from the possession of the petitioner and the co-accused falls in the category of less than commercial quantity. As such, the stringent provisions of Section 37 of the NDPS Act are not be attracted in the instant case. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The conclusion of investigation and presentation of challan is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

25.05.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No