

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

**CRM-M-25824-2023
Date of Decision: 26.05.2023**

MANISH KUMAR	V/S	... PETITIONER
STATE OF PUNJAB		... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Raghav Goyal, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 27 dated 15.03.2023 under Section 18 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Cantt. Ferozepur, District Ferozepur.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the case has been registered in pursuance of the alleged recovery of 1 Kg of opium which falls in the category of less than commercial quantity. Though the petitioner is involved in another case under NDPS Act but is on bail in that case. The petitioner is in custody for a period of 2 months and 8 days and the challan has been presented in the Court.
4. Learned State counsel has opposed the bail application on the score that 1 Kg of opium has been recovered from the possession of the petitioner and he is also involved in another case under NDPS Act.

5. Be that as it may, the quantity of contraband recovered in the instant case falls in the category of less than commercial quantity. As such, the stringent provisions of Section 37 of the NDPS Act may not be attracted. The petitioner is on bail in the other case that has been registered against him. The petitioner is in custody for a period of 2 months and 8 days. The investigation of the case is complete and challan has been presented in the Court. It has not been disputed that the case of the prosecution is based upon the deposition of the official witnesses only and as such, it cannot be said that the petitioner can, in any manner, influence or win over the witnesses in the event he is released on bail. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

26.05.2023

Janki

(VIVEK PURI)
JUDGE

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