

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

**CRM-M-29236-2022
DECIDED ON: 09.01.2023**

DEEPAK KUMAR

.....PETITIONER

VERSUS

UT, CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumeet S. Brar, Advocate for
Mr. Gurbir Singh Sandhu, Advocate
for the petitioner.

Mr. A.M. Punchhi, P.P., U.T., Chandigarh.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition seeking regular bail in FIR No.101, dated 17.05.2022, under Section 21 of the NDPS Act, 1985, registered at Police Station Sector-36, Chandigarh.

Learned counsel for the petitioner contends that it is a case of chance recovery and intermediate quantity i.e. 25 grams of heroin was recovered from the petitioner. He further submits that the quantity of contraband is non-commercial in nature.

On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind bars for the last 07 months and 22 days and there is no other case pending against him.

Looking into the totality of the facts and circumstances and also

the fact that the recovered contraband is non-commercial in nature; there is no other case pending against the petitioner and the petitioner is behind bars for the last 07 months and 22 days, therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, concerned.

The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

09.01.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>