

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

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2023:PHHC:100682

CRM-M-29424-2023

Date of decision: August 4th, 2023

Ashish Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. H.S. Sullar, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.117 dated 11.04.2023 under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Sections 25, 27A and 29 of the NDPS Act added later on) registered at Police Station City Kharar, District SAS Nagar (Mohali).

2. Learned counsel for the petitioner, *inter alia*, contends that in a case of chance recovery of 30 grams of cocaine (non-commercial quantity) was allegedly recovered from the driver's side of the car in which the petitioner was travelling with the co-accused. Learned counsel submits that the petitioner has now been in custody since 11.04.2023 and investigation is complete as challan stands presented. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. It has been further submitted that the car was not in the name of the either of the accused as it was a matter of record that

co-accused Varinder Singh was the owner of the car from which the alleged recovery was effected.

3. *Per contra*, learned State counsel, on instructions, has conceded that the petitioner is not involved in any other criminal case much less under the NDPS Act. It has also not been disputed that the recovery allegedly effected i.e. 30 grams of cocaine falls under small quantity. The trial is unlikely to conclude in the near future as after the presentation of challan on 04.07.2023, charges have not been framed and still further, as many as 13 prosecution witnesses have been cited.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

August 4th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No