

S. No.213

2023:PHHC:120292

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

CRM-M-34078 of 2022 (O&M)

Date of Decision:13.09.2023

Harpreet Singh @ Hari

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Lupil Gupta, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., prayer has been made by petitioner for grant of regular bail in case FIR No.79 dated 17.06.2021 registered under Sections 21, 29/61/85 of NDPS Act at Police Station Sarhali, Tehsil and District Tarn Taran.

As per allegations, 321 grams of heroin was recovered from tool box of the motor-cycle being driven by the petitioner.

Contention of learned counsel for the petitioner is that the petitioner has been falsely implicated; that he is in custody for a period of more 02 years and 02 months and that trial may take time to conclude, so he be allowed bail.

Opposing the bail petition, learned State Counsel submits that recovered contraband is commercial in nature and bar under Section 37 of NDPS Act is applicable.

Perusal of the custody certificate reveals that petitioner is in custody for the last 02 years 02 months and 26 days and he has no criminal antecedents.

In the similar circumstances, bail had been allowed by Hon'ble

Supreme Court in Rabi Prakash Vs. The State of Odisha, 2023 LiveLaw (SC) 533.

Having regard to the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

Criminal Misc., if any, stand disposed of.

September 13, 2023

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No