

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

CRM-M-33592-2023

Date of Decision: September 01, 2023

SHOUKEEN

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Randeep Singh Waraich, Advocate for the petitioner.
Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition, prayer has been made for grant of regular bail pending trial in case FIR No.22 dated 02.02.2023 registered under Section 22 of NDPS Act, 1985 (Section 27 of NDPS Act, 1985 added later on) at P.S. GRP Ludhiana, District Ludhiana.

2. As per the allegations levelled against the petitioner, he was seen coming on foot towards platform No.1 by crossing railway line from platform no.2-3 carrying one shoulder bag colour blue and grey canvas on his right shoulder which he threw away on seeing the police party and tried to whisk away. It has been further alleged that from the said bag 60 sealed bottles of codectuss TR cough syrup of 100 ML were recovered.

3. learned counsel for the petitioner submits that in the present facts, the factum of conscious possession is debatable and investigation already stands concluded with the filing of challan followed by framing of charges and trial is likely to take some time whereas the petitioner is already behind the bars for the past almost 6 months now.

CRM-M-33592-2023

-2-

4. On the other hand, learned State counsel submits that recovery being of commercial quantity, the period of custody of petitioner is less.
5. I have heard learned counsel for the parties and gone through the paper-book.
6. In the present case, investigation already stands concluded with the filing of challan followed by framing of charges and the trial is likely to take some time, the petitioner who happens to be a young boy has already remained in custody for the last more than six months and there is no other case of NDPS Act pending against him. Moreover, in view of decisions dated 15.12.2022 passed in CRM-M-45698-2022 titled as “**Resham Singh Vs. State of Punjab** and 12.12.2022 passed in CRM-M-32581-2022 titled as “**Baljinder Singh @ Balwinder Singh Vs. State of Punjab**”, the conscious possession of contraband of the petitioner is debatable in view of the allegations that the petitioner threw away the bag on seeing the police party and tried to whisk away.
7. In view of the above, without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

01.09.2023
tejwinder

(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>