

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 15.11.2023

(i) CRM-M-33340-2023 (O&M)

Vishal Sahota and another

...Petitioners

Vs.

State of Punjab

...Respondent

(ii) CRM-M-52239-2023

Varinder Pal Singh @ Bhinda

... Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sahil Vashishat, Advocate
for the petitioner(s) in both petitions.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. This order shall dispose of two bail petitions i.e. CRM-M-33340 of 2023 titled as Vishal Sahota and another Vs. State of Punjab and CRM-M-52239 of 2023, titled as Varinder Pal Singh @ Bhinda Vs. State of Punjab, whereby the petitioners have prayed for grant of regular bail in case FIR No.90 dated 20.05.2023, registered under Sections 15, 18, 29, 61, 85 of NDPS Act, at Police Station, GRP Ludhiana.

2. The FIR in the present case was registered on the allegations that on 20.05.2023 in the area of Railway Station, Ludhiana, Varinder Pal Singh @ Bhinda and Vishal Sahota i.e. the petitioners were apprehended and from the

possession of Varinderpal Singh @ Bhinda, 800 grams of opium and from the possession of Vishal Sahota, 700 grams of opium were recovered without any permit or licence.

3. Learned counsel for the petitioners contends that the petitioners were arrested in the present cases on 20.05.2023 and are in custody for the last about 06 months. He further contends that the recovery of opium from both the petitioners was non-commercial in nature and the rigors of Section 37 of NDPS Act would not apply to the facts of the present case.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioners on the ground that there are serious allegations against the present petitioners.

5. I have heard learned counsel for the parties and perused the record.

6. It is apparent from the record that both the petitioners have suffered incarceration for the last about 06 months. However, the recovery of opium from both the petitioners are non-commercial in nature. Even the conclusion of the trial may take quite a long time. Consequently, further custody of the petitioners will not serve any meaningful purpose.

7. Without commenting any further on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

8. Pending applications, if any, are also disposed of.

(N.S.SHEKHAWAT)
JUDGE

15.11.2023
hemlata

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