

KULVEER SINGH @ SATGUR
V/S

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kanisth Ganeriwala, Advocate for the petitioner.
Mr. Iqbal Singh Mann, DAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 88 dated 24.07.2020 under Section 22 of NDPS Act, 1985 registered at Police Station Sadar Rampura, District Bathinda.

Custody certificate has been taken on record.

Briefly, as per the allegations of the prosecution, the accused was spotted by the Police party while he was coming on a motor-cycle. On seeing the Police party, he threw a bag on the fields on the left side of the road. On checking, 1000 strips of 10 tablets each of Tramadol was recovered.

Learned counsel for the petitioner contends that as per the allegations in the FIR, batch number of the recovered contraband is stated to be TVD 20098 and as per the report of FSL, the batch number is stated to be TVD 20207 and only one strip of 10 tablets was sent to the FSL. The charge was framed as back as on 19.02.2021 and so far only 1 out of 15 witnesses has been examined. The petitioner is in custody for a period of 2

years, 5 months and 8 days and not involved in any other case much less under NDPS Act.

Learned State counsel has opposed the bail application only on the score that the quantity of contraband stated to have been recovered from the possession of the petitioner falls in the category of commercial quantity.

Be that as it may, the petitioner is in custody for a period of 2 years, 5 months and 8 days and not involved in any other case much less under NDPS Act. There is a discrepancy with regard to the batch number of the tablets alleged to have been recovered from the petitioner and having been sent to the Forensic Science Laboratory. Furthermore, a strip of 10 tablets of Clovidol sent to FSL bear a different batch number. So far only 1 out of 15 witnesses has been examined. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, in these mitigating circumstances, the ends of justice will meet, if the concession of bail is extended to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

04.01.2023

Janki

(VIVEK PURI)
JUDGE