

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
215-A

CRM-M-36759-2022

Date of Decision: 27.03.2023

Vijay Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. B.R. Rana-I, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 24.03.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 42 dated 04.04.2022 registered under Section 18 of the NDPS Act at Police Station Division No. 2, District Ludhiana.

As per prosecution story, on 04.04.2022, the aforesaid FIR was lodged on the basis secret information against the petitioner and his accomplices. Thereafter, the petitioner along with his accomplices, namely, Deen Dayal, Sarvesh Singh and Deepak Kumar @ Babbu, was apprehended with conscious possession of 2 kgs. 600 gms. of opium, without any permit or licence in auto rickshaw bearing registration No. PB-10-DZ-4182.

Learned counsel for the petitioner, *inter alia*, contends that the

petitioner has falsely been implicated in the instant case. The recovery was effected from the auto-rickshaw and the petitioner was the driver of the said auto-rickshaw. The contraband recovered from the petitioner and his co-accused is marginally above the 'non-commercial quantity'. He is not involved in any other case under the NDPS Act. The petitioner is in custody since 04.04.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. More so, co-accused of the petitioner, namely, Deepak Kumar @ Babbu, has already been granted the concession of regular bail by this Court vide order dated 16.01.2023, passed in CRM-M-63-2023. Thus, it is prayed that treating the case of the petitioner on the same parity as that of his co-accused, he may also be granted the concession of regular bail.

On the other land, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, learned counsel for the State fairly conceded the fact that he is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, the fact that the alleged recovery of opium from the petitioner and his co-accused is marginally above the 'non-commercial quantity', also the fact that he is not involved in any other case under the NDPS Act and treating the case of the petitioner on the same parity as that of his co-accused/Deepak Kumar @ Babbu, who is already enlarged on bail, but without commenting on the merits of the case, I am of the considered

view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Vijay Singh, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

March 27, 2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No