

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

Neutral Citation No.2023:PHHC:164600
CRM-M-35082-2023
Date of Decision: December 21, 2023

Deepak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manjinder Singh Saini, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

In compliance of the order dated 12.10.2023, learned State counsel has placed on record the copy of order passed by learned Judicial Magistrate 1st Class, Khanna, under Section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

Custody certificate is also placed on record.

2. By way of present petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.74 dated 19.05.2022, under Section 22 (Act No. 61 of NDPS Act), 1985, registered at Police Station Sadar Khanna, District Ludhiana.

3. As per the prosecution allegations, 68 vials of 10 ml each of Pheniramine Maleate Injection; and 68 vials of Buprendrphine intoxicating injections (weighing 136 grams) were recovered from the possession of the petitioner on 19.05.2022.

4. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 07 months and the trial may take time to conclude and so he be allowed bail.

5. Although learned counsel for the petitioner has also raised other issues for grant of regular bail, but this Court is of the view that the custody period undergone by the petitioner itself is sufficient to consider this petition for grant of bail.

6. Learned State counsel concedes the fact that the petitioner has no criminal antecedent and that as per the custody certificate, he is in custody for the last 01 year, 07 months and 03 days. It is also submitted by learned State counsel that out of 11 witnesses cited by the prosecution, only 04 have been examined so far. Thus, trial may take time to conclude.

7. Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

December 21, 2023

sarita

(DEEPAK GUPTA)
JUDGE

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