

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

CRM-M-42135 OF 2023

DATE OF DECISION :- 31.08.2023

Vakeel Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ajay Pal Singh Gill, Advocate
with Mr. Ripudaman Singh Brar, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.50 dated 24th May, 2023 registered for the offences punishable under Section 15(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kotbhai, District Shri Muktsar Sahib.

2. The petitioner is behind bars since 26.5.2023 after he was found to be in possession of 2 Kg of poppy husk. Counsel for the petitioner submits that the investigation is already complete, the challan stands presented, majority of the witnesses are official witnesses and thus there cannot be any apprehension that the petitioner shall tamper with the evidence. Quantity recovered from the petitioner is far less than the commercial quantity and thus rigors of Section 37 of the NDPS Act shall not be attracted and the custody of the petitioner cannot be prolonged as a punitive measure.

3. Keeping in view the aforesaid facts and circumstances of the present case, the instant petition deserves to be allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

4. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

5. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

31.08.2023
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No