

**224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.43679 of 2023 (O&M)
Date of decision : 11.09.2023**

Anmolpreet Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******

Present :- Mr. Rajesh Kapila, Advocate and
Ms. Himani Kapila, Advocate for the petitioner.

Mr. Amit Shukla, Asst. A.G., Punjab.

*********PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.74 dated 29.05.2023 registered under Sections 21/27/61 NDPS (later on Section 27-A & 29 NDPS Act has been added) at Police Station Ghuman, District Batala.

2 Custody certificate has been filed. The same is taken on record.

3 As per the case of the prosecution the petitioner was apprehended on suspicion and on search was found to be in possession of 50 grams of heroin along with drug money of Rs.23,090/- which falls under intermediate quantity.

4 Learned counsel for the petitioner submits that there is no evidence that the amount of Rs.23,090/- was a drug money. The contraband alleged to have been recovered from the petitioner falls within intermediate quantity. Petitioner has clean antecedents and is behind bars for last more than 3 months & 11 days.

5 Learned State counsel is not in a position to dispute the
aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone
through the records of the case.

7 Keeping in view the fact that the petitioner has clean
antecedents and rigours as contained in Section 37 of the NDPS Act, will
not be attracted in view of recovery of contraband recovered from the
petitioner and at present there is nothing on record that links the alleged
amount recovered from the petitioner with drug trade, the present petition is
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.*

8 Needless to say that anything observed herein shall not be
construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

11.09.2023

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No