

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

CRM-M-47309-2023

Date of Decision: 25.09.2023

Sanju

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Additional Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.33 dated 03.03.2023 registered under Sections 20(b) of NDPS Act, at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. As per the case of the prosecution, ASI Sukhpal Singh, along with other police officials were going from Gidderbaha to Lambi for doing patrolling duty and for checking of suspicious persons and during the said process, the petitioner alongwith his co-accused were found in possession of 18 kgs of Ganja, which they were carrying without any licence or permit. After following the process of law, the petitioner and his co-accused were arrested in the present case.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 03.03.2023 and the challan has already been presented against him. He further contends that the recovery of Ganja has been planted upon

him. Even the police has wrongly shown the recovery of 18 kgs of Ganja from him and his co-accused, which is non-commercial in nature. Learned counsel also relies upon the order dated 17.07.2023 (Annexure P-3) passed by this Court in CRM-M-26195-2023, titled as Vidya Devi Vs. State of Punjab, whereby similarly placed co-accused has been granted the concession of bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that huge quantity of Ganja has been recovered from him and one more case under the provision of NDPS Act has been registered against him and the petitioner is not entitled for grant of concession of bail by this Court.

4. I have heard the rival contentions made by the learned counsel for the parties and perused the record with their able assistance.

5. The petitioner is in custody since 03.03.2023 and the recovery of contraband i.e. 18 kgs of Ganja is non-commercial in nature. Even the charges against the petitioner have been framed and the trial proceedings may take quite a long time. Still further, the similarly placed co-accused, namely, Vidya Devi has already been granted the concession of bail by this Court.

5. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

25.09.2023
hemlata

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