

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

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CRM-M-49555-2022

Date of decision : 20.02.2023

Sandeep @ Seepa

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. O.P. Kamboj, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

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.47 dated 04.04.2022 registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (to which Section 29 of the NDPS Act was added later on) at Police Station Mallanwala, District Ferozepur.

Brief facts of the case are that on 04.04.2022, a police party headed by ASI Jaswinderpal Singh were doing patrolling duty. When they reached near Tanki Mohalla, Graveyard, on suspicion they apprehended accused-Des Raj @ Desa and on conducting search as per procedure, 900 intoxicating tablets of Etizolam 0.5 mg. were recovered from him. During interrogation, he disclosed that he had purchased the alleged contraband from the petitioner.

Learned counsel for the petitioner has submitted that the petitioner was not apprehended on the spot and nothing has been recovered from him. He has been falsely implicated in the case only on the basis of disclosure statement made by co-accused Des Raj @ Desa which is a very weak type of evidence. The petitioner has nothing to do with the alleged contraband recovered from co-accused Des Raj @ Desa. There is already a dispute between family of the petitioner and family of co-accused Des Raj @ Desa. The petitioner is in custody since 18.06.2022. Challan has been presented and charges are yet to be framed. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition on the ground that the alleged contraband recovered from co-accused Des Raj @ Desa falls in the category of commercial quantity and in his disclosure statement co-accused Des Raj @ Desa specifically named the petitioner from whom he had purchased the alleged contraband. The petitioner is also involved in 01 other case under the NDPS Act. However, he is on bail in the said case.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the facts that the petitioner is not apprehended on the spot and nothing has been recovered from him and also the fact that the trial is likely to take long time 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-Sandeep @ Seepa is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

20.02.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No