

2023:PHHC:147750

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM M-48527-2023

Date of Decision: 21.11.2023

Rahul

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Kulwinder Singh Dhillon, Advocate
for the petitioner.
Mr. M.S. Bajwa, DAG, 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 a regular bail in case FIR No.0061 dated 12.06.2023 registered under Sections 21-B, 27A and 29 of the NDPS Act and Section 25 of the Arms Act 54 of 1959 at Police Station Sadar Gurdaspur, District Gurdaspur.

2. As per the case of the prosecution, 15 grams of heroin and Rs. 99,400/-, i.e., drug money were recovered from the dashboard of the car, in which, the petitioner alongwith his co-accused was travelling.

3. Learned counsel for the petitioner contends that the petitioner has been involved in the present case due to some dispute with the police officials over a minor issue and the heroin was planted on them. He further submits that similarly placed co-accused Nikhil

Kumar has already been granted the concession of bail by this Court vide order dated 03.11.2023 passed in CRM M-53865-2023. He further contends that the petitioner was arrested in the present case on 12.06.2023 and is in custody since then. Even otherwise, alleged recovery of 15 grams of heroin falls within the ambit of “small quantity”.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious and specific allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

4. I have heard learned counsel for the parties and perused the record.

5. It is not in dispute that the petitioner is in custody since last 05 months and the alleged recovery of 15 grams of heroin from the present petitioner falls within the ambit of “small quantity”.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

21.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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