

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-55089-2022 (O&M)
Date of Decision: 6.2.2023

Sunny @ Saini Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Ms. Kanica Sachdeva, AAG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0150 dated 28.6.2022 registered for the offences punishable under Sections 20, 21, 22 of NDPS Act (Section 27-B of NDPS Act added later on) at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

Brief facts of the case are that FIR in this case was registered on the basis of secret information against the accused persons and thereafter, the police raided the disclosed place on which the petitioner was apprehended along with 150 tablets of Cypremal-100, co-accused Eib Khan with 2 grams of Heroin and drug money worth ₹ 5200/-, co-accused Alfaz with 1 kg of *ganja*, Anwar with 200 tablets of Cypremal-100SR and co-accused Rajni with 150 tablets of Cypremal-100 on 28.6.2022.

Counsel for the petitioner submits that the petitioner is in custody since 28.6.2022 and in the present case, only non-commercial quantity of contraband is alleged to be recovered from the petitioner and that after completion of investigation, the police has presented the challan and now the petitioner is lodged in judicial custody and all his co-accused already stand enlarged on bail vide order Annexure P-3 (collectively).

Present petition is contested by the State counsel, who submits that the petitioner is a habitual offender. However, she has not disputed the fact that only non-commercial quantity of intoxicant tablets are recovered from the possession of the petitioner who is in custody since 28.6.2022. She has not disputed the fact that after completion of investigation, challan has been presented and that other co-accused are granted benefit of regular bail vide order Annexure P-3 (collectively).

I have considered the submissions made by the counsel for the parties.

As has been admitted by the State counsel, only non-commercial quantity of contraband was recovered from the possession of the petitioner who is in custody since 28.6.2022 and after completion of investigation, challan has been presented. All other co-accused stand enlarged on bail vide order dated 28.9.2022 (Annexure P-3 collectively). Rigors of Section 37 of NDPS Act are not attracted to the instant case being relating to recovery of non-commercial quantity of contraband. Further, it will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

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/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 6, 2023
Paritosh Kumar

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