

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

245

CRM-M-56797-2022

Date of Decision: 10.01.2023

Inderjit Singh @ Mamna

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. N.S. Dandiwal, Advocate for the petitioners.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 09.01.2023 filed in Court today is taken on record.

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. 0069 dated 22.04.2022 registered under Sections 22 of the NDPS Act at Police Station Baghapurana, District Moga.

Brief facts of the case are that on 21.04.2022, ASI Buta Singh, apprehended the petitioner and 520 Alprazolam-0.5 tablets have been recovered from his possession, without any permit or licence.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. As per FSL report dated 31.05.2022 (Annexure P-2), the total weight of the recovered contraband comes to 105.04 grams which is marginally above the 'commercial quantity'. The petitioner is in custody since 22.04.2022. He is not involved in any other case under the NDPS Act. Trial is likely to take

time and no purpose will be served by keeping the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, learned State counsel conceded the fact that the petitioner is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the fact that the total weight of the recovered contraband comes to 105.04 grams which is marginally above the 'commercial quantity' and he is not involved in any other case under the NDPS Act, 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-Inderjit Singh @ Mamna, 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.

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

January 10, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No