

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230

CRM-M-63-2023

Date of Decision: 16.01.2023

Deepak Kumar @ Babbu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 13.01.2023 filed by learned counsel
for the State 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. 42 dated 04.04.2022 registered under Section 18-C of the
NDPS Act at Police Station Division No. 2, District Ludhiana.

As per prosecution story, on 04.04.2022, the aforesaid FIR
was lodged on the basis secret information against the petitioner and his
accomplices. Thereafter, the petitioner along with his accomplices,
namely, Deen Dayal, Vijay Singh and Sarvesh Singh, was apprehended
with conscious possession of 2 kgs. 600 gms. of opium, without any
permit or licence in auto rickshaw bearing registration No. PB-10-DZ-
4182.

Learned counsel for the petitioner, *inter alia*, contends that the
petitioner has falsely been implicated in the instant case. He is a student.

The contraband recovered from the petitioner and his co-accused is marginally above the 'non-commercial quantity'. He is not involved in any other case under the NDPS Act. The petitioner is in custody since the date of his arrest. 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 granted the concession of regular bail.

On the other hand, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, learned counsel for the State fairly conceded the fact that he 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 alleged recovery of opium from the petitioner and his co-accused is marginally above the 'non-commercial quantity' and also the fact that 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-Deepak Kumar @ Babbu, 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.

January 16, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No