

CRM-M-57218-2023

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

216

CRM-M-57218-2023
Date of Decision:-07.12.2023

Abhishek Dutta @ Raja and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed for grant of regular bail to the petitioners in case FIR No. 159 dated 03.09.2023 under Sections 21 (b) and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dinanagar, District Gurdaspur, Punjab.

2. Learned counsel for the petitioners submits that the recovery of 06 grams of Heroin is of non-commercial quantity and prays for grant of regular bail to the petitioners.

3. Learned State counsel has filed the custody certificates of the petitioners in Court today, which are taken on record, subject to all just exceptions.

4. Learned State counsel submits that, in fact, there is one more FIR lodged against petitioner No. 1 with Police Station Civil Line Batala

CRM-M-57218-2023

under the NDPS Act and hence, the petitioners are not entitled to bail as they do not have clean antecedents.

5. After hearing learned counsel for the parties and considering the fact that the petitioners are in custody since last three months and the trial is likely to take long time and no useful purpose would be served by keeping the petitioners in custody.

6. Without commenting upon the merits, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. They shall, however, be released on the following conditions:

1. The petitioners shall declare their ordinary place of residence and the mobile number used by him.
2. They will not switch off his mobile and in case of any technical glitch, they have to give an alternate number, which will be available in their absence.
3. They will mark their presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark their presence, they are permitted to make an application before the Illaqa Magistrate, concerned.
4. They will not leave the country without the prior permission of the Court, for which they will submit the copy of their passports also.

The petitioners shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. In case, the petitioners are found indulging into the same activity again during the subsistence of their bail, the present bail granted to

CRM-M-57218-2023

the petitioners shall automatically stand cancelled.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

07.12.2023
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(ALOK JAIN)
JUDGE

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