

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M No.1686 of 2024
Date of Decision: 23.01.2024

MANJIT KUMARPetitioner

Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Ms. Deepika, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.110 dated 29.08.2022 registered under Sections 20-61-85 of NDPS Act at Police Station Balongi, SAS Nagar (Mohali), Punjab.
2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 01 kg. 200 grams of *Charas*.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the recovery of the alleged contraband and custody period of the petitioner.
4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, the recovery is marginally higher than the commercial quantity; petitioner is a young boy of 23 years of age; not involved in any other case under the NDPS Act; only 02 prosecution witnesses have been examined out of total 14 witnesses; petitioner has already suffered incarceration for a period of 01 year and 04 months and the investigation already stands concluded with the filing of challan followed by framing of charges.

6. Considering the fact that the petitioner has already suffered incarceration for a period of 01 year and 04 months and not involved in any other case under the NDPS Act, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion 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 adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

January 23, 2024

Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No