

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M No.2535 of 2024
Date of Decision: 23.01.2024

PREM MASIH ALIAS NANUPetitioner

Vs
STATE OF PUNJABRespondent

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

Present: Mr. Mandeep Singh, 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.100 dated 17.09.2023 registered under Sections 22, 61 and 85 of NDPS Act at Police Station City Samana, District Patiala, Punjab.
2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 46.720 grams of Diphenoxylate Hydrochloride and Atropine Sulphate Hydrochloride.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that on earlier occasion in the year 2017, the petitioner was implicated in one another case under the NDPS Act though of non-commercial quantity of 04 grams of heroin and thus, does not deserve concession of regular bail.

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, undisputedly the quantity involved is of non-commercial quantity being 46.720 grams of Diphenoxylate Hydrochloride and Atropine Sulphate Hydrochloride; investigation already stands concluded with the filing of challan followed by framing of charges and involvement of petitioner in other case was even of small quantity.

6. Considering the fact that the petitioner has already suffered incarceration for a period of 04 months and being an young man of 33 years of age, 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	Yes/No
Whether reportable	Yes/No