

2024:PHHC:053921

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

Sr. No. 226

CRM-M-5536-2024

Date of Decision: 22.04.2024

JUGNU @ AMAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. Dy. A.G., Punjab

DEEPAK GUPTA, J.(ORAL)

1. Custody certificate produced by learned State counsel is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. By way of this petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No. 154 dated 05.09.2023, under Sections 21, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act'), registered at Police Station Majitha, District Amritsar.
3. As per prosecution allegations, the petitioner was apprehended on 05.09.2023 with 260 grams of heroin and during investigation he also disclosed that the same has been procured by him from his co-accused Maninder Singh, who on interrogation, disclosed that he had purchased the same from one Sajjan Singh, from whom recovery of 25 grams heroin was effected.

4. Learned counsel contends that the petitioner has been falsely implicated; that the petitioner was allegedly found in possession of 260 grams of heroin, which is marginally higher than the commercial category, which starts from 250 grams. Learned counsel further contends that petitioner is in custody for the last more than 07 months; and that the trial is likely to take long time to conclude.

5. Learned State counsel, on instructions received from ASI Vikram, contends that challan has been filed and charges are yet to be framed against the petitioner. However, the bail petition has been opposed on the ground that the contraband recovered from the present petitioner falls in commercial category.

6. A perusal of the custody certificate reveals that the petitioner is in custody for the last more than 07 months and 15 days, with no criminal antecedent.

7. Considering all the aforesaid facts and circumstances of the case, but without commenting anything on the merits of the case, as well as the fact that the alleged recovered contraband from the possession of the petitioner is marginally higher than the commercial category, which starts from 250 grams, the petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

8 Allowed.

22.04.2024
dinesh (DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No