

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6618 of 2024(O&M)
Date of Decision: 21.02.2024

Narinder Singh
...Petitioner
Versus
State of Punjab
...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vishal Goel, Advocate
For the petitioner.
Mr. I.S. Ladher, DAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 163 dated 19.11.2023, registered under Sections 22 of Narcotic Drugs and Psychotropic Substances Act (for brevity, NDPS Act) at Police Station Shambhu, District Patiala.
2. The allegations in nutshell are that police recovered 50 strips each containing 08 capsules of Dicyclomine HCL, Tramadol HCL and Acetaminophen, on 19.11.2023. The petitioner was arrested at the spot.
3. The counsel for the petitioner submits that the petitioner is falsely implicated in the present case and is having no criminal history. That even otherwise the aforesaid contraband stated to be recovered from the petitioner comes under non-commercial quantity as is observed by the trial Court while passing order dated 22.01.2024 whereby the application filed by the petitioner under Section 439 Cr.P.C. for grant of bail was dismissed. So, prayer is made that petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who on instructions from ASI Mohar Singh submits that the medical intoxicants as detailed above were recovered from the petitioner by the police on 19.11.2023 and after completion of investigation police has presented challan. The State counsel has not disputed the fact that the recovery effected from the petitioner comes under non-commercial quantity.

5. I have considered the submissions made by counsel for the parties.

6. As has been admitted by the State counsel on instructions from ASI Mohar Singh, the medical intoxicants recovered from the petitioner falls in non-commercial quantity. Thus, rigors of Section 37 of NDPS Act are not attracted to the present case. Further, the petitioner is having no criminal history and is in custody for the last more than 03 months and after completion of investigation challan has been presented but it will take considerable time for the trial to conclude. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In light of the above, without commenting 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 of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.02.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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