

CRM-M-10731-2024

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10731-2024
Decided on:-06.03.2024

Surjit Singh @ SurajPetitioner..
vs.
State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tarun Vir Singh Lehal, Advocate and
Mr. Dushant Jog, Advocate for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.188, dated 17.10.2023 registered under Sections 18-A, 27-A, 29 and 21-B of NDPS Act, 1985, at Police Station Dinanagar, District Gurdaspur.
2. Learned counsel for the petitioner submits that the petitioner has been implicated for the alleged recovery of 24 grams of “*Opium*” besides a sum of Rs.16,77,600/- being the drug money.
3. The prayer made herein has been opposed at the instance of learned State counsel while submitting that initially recovery of 24 grams of opium, besides a sum of Rs.16,77,600/- being the drug money was effected from the petitioner and his co-accused namely, Jaspreet Singh, later 19 grams of heroin, besides a sum of Rs.3 lakhs being the drug money was also recovered from the petitioner. In addition, the petitioner is involved in one more case of similar nature i.e. FIR No.41, dated 14.03.2022, registered under Sections 21, 29, 61, 85 of the NDPS Act, Police Station Division

No.2, Jalandhar, relating to recovery of 20 grams of heroin.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. Admittedly, the recovery in the present case is only 24 grams of ‘opium’, besides 19 grams of ‘heroin’, which is non-commercial quantity, even after taking it as cumulative. As regards the recovery of a sum of Rs.16,77,600/- and another sum of Rs. 03 lakhs, being drug money is concerned, the same is yet to be established during trial, which may take some time.

As regards the involvement of the petitioner in another case (FIR No.41 dated 14.03.2022), that also relates to non-commercial quantity i.e. 20 grams of heroin besides it, he already stands released on interim bail in that case, thus, bar of Section 37 of the NDPS Act, is not applicable.

Considering the aforesaid as well as the custody period of the petitioner being more than 04 months & 20 days, I do not find any justification to extend the incarceration of the petitioner.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

06.03.2024
sonika

(HARKESH MANUJA)
JUDGE

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