



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

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CRM-M -11140-2024

Date of Decision : **July 25, 2024**

JODH LAL ALIAS JODHA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vikramjit Singh, Advocate for the petitioner.
Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.214 dated 21.11.2023, under Sections 21(b), 21, 29 & 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dinanagar, District Gurdaspur.

2. It is the case of the prosecution that the recovery of 65 grams of Heroin and drug money of Rs.2230/- was recovered from the petitioner, whereas, drug money of Rs.4100/- was recovered from co-accused Subhash Kumar.

3. Learned counsel for the petitioner in the asking for the relief submits that the petitioner has suffered incarceration of about 8 months, whereas, the recovery effected from the petitioner falls within inter-mediate quantity, therefore, the bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is not applicable. He further submits that



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though the petitioner is involved in two more cases of similar nature but he is on bail in both the cases.

4. On the other hand, the learned State counsel has opposed the grant of regular bail to the petitioner on account of the criminal antecedents of the petitioner. He further informs this Court that in the instant matter the learned trial Court concerned has framed charges way back on 15.4.2024 and out of total 16 cited witnesses, none has been examined. He also placed on record the custody certificate *qua* the petitioner, which reflects that the petitioner as on today has suffered incarceration of 8 months as on today.

5. Considering the fact that the petitioner has suffered incarceration of about 8 months and the recovery effected from him falls within inter-mediate quantity and no witness has been examined so far, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

6. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 25, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No