

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-13574-2024 (O&M)
Date of Decision:- 21.03.2024

Ramesh Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Davinder Singh, Advocate, for the petitioner.
Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
131	12.12.2023	City 2 Abohar, District Fazilka	18 and 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The allegations, in nutshell, are that the petitioner was found in possession of 2.5 Kgs of ‘Opium’ which was found kept in envelop which was further kept in plastic box. Upon weighment of the said contraband along with the envelope, the same was found to be 2.5 kgs.

3. Learned counsel for the petitioner submits that admittedly it is a case where the contraband was weighed along with the envelop and the total weight including that of the envelop was found to be 2.5 kgs and that under these circumstances it cannot be said that the entire contraband itself was 2.5 kgs and as such the recovered contraband would fall within the category of non-commercial quantity.
4. Opposing the petition, learned State counsel submits that envelop would hardly have any weight and that the contraband recovered has to be taken as 2.5 kgs and that in any case even if it is taken to be a non-commercial quantity, the recovered contraband is a sizeable quantity and the petitioner under these circumstances does not deserve to be released on bail. It has been informed that the petitioner otherwise has a clean record and has been behind bars since the last about 3 months and 5 days. It has also been informed that the trial is yet to commence and as many as 9 PWs have been cited.
5. This Court has considered the rival submissions.
6. Having regard to the fact that the contraband was weighed with the envelop and the total weight was found to be 2.5 kgs it will certainly be debatable as to whether the recovered contraband can be said to be in commercial quantity or not. In any case the petitioner enjoys a clean record and conclusion of trial is likely to consume time as not even a single PW has been examined till date. The petitioner otherwise has been behind bars since the last more than 3 months. Under these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the

petitioner is ordered to be released on regular bail on his furnishing
bail bonds/surety bonds to the satisfaction of learned trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

21.03.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No