

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

CRM-M-16503-2024 (O&M)
Date of Decision:- 10.04.2024

Parkash Parjapat ... 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. As per the case of prosecution, two persons were apprehended by the police while they were searching into a bag in their possession. The said persons were apprehended by the police. 2.5 kilograms of ‘opium’, which was kept in an envelop, which was further kept in a

plastic box was recovered. Upon weighment, the contraband alongwith envelop was found to be 2.5 kilograms.

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. It has also been informed that identically situated co-accused namely Ramesh Kumar has already been released on bail vide order dated 21.3.2024 (Annexure P-3) passed by this Court.
4. Opposing the petition, learned State counsel submits that the 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 happens to be involved in one more case under NDPS Act and has been behind bars since the last about 3 months and 25 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 addressed before this Court.
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. The petitioner otherwise has been behind bars since the last about 3 months and 25 days. Conclusion of trial is likely to consume time as not even a single PW has been examined till date. Under these circumstances, further detention of the petitioner will not serve any useful purpose particularly when identically situated co-accused Ramesh Kumar has already been released on bail vide order dated 21.3.2024 (Annexure P-3) passed by this Court. The instant 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.

10.04.2024	(GURVINDER SINGH GILL)
Pankaj	JUDGE
Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No