

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M No.18114 of 2023 (O&M)
Date of Decision: 20.01.2024

AKSHAY KUMAR @ KUSSPetitioner

Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. L.S. Sekhon, Advocate for
Mr. Barjinder Singh, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present 3rd petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.069 dated 28.05.2021 registered under Sections 22, 29, 61 & 85 of the NDPS Act at P.S. City Dhuri, District Sangrur.
2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 1580 tablets of Alprsafe 0.5 mg containing salt Alprazolam besides 300 tablets of Tramadol Hydrochloride.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner was involved in another case under the NDPS Act against the alleged recovery of 600 milligrams of heroin, wherein he was convicted and sentenced.

4.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5.

In the present case, the alleged recovery of 300 tablets of Tramadol Hydrochloride amounts to non-commercial quantity being 106 grams of prohibited salt; recovery of 1580 tablets of Alprasafe 0.5 mg relates to commercial quantity, however, the investigation of the present case has been concluded followed by framing of charges on 23.11.2021, yet only 03 prosecution witnesses out of total 15 witnesses have been examined so far. Petitioner has already suffered incarceration for a period more than 02 years and 07 months and the recovery involved in other case is being of non-commercial quantity.
6.

Considering the fact that the petitioner has already suffered incarceration for a period more than 02 years and 07 months and the recovery involved in other case being of non-commercial quantity, I do not find any justification to extend the incarceration of the petitioner.
7.

Accordingly, without expressing any opinion 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 adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

January 20, 2024

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No