

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226 CRM-M-18556-2024
Date of Decision.:30.04.2024

SunilPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.M. Gulati, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.0031 dated 08.03.2024 registered under Sections 18(a), 27(a) of NDPS Act, 1985 registered at Police Station Dinanagar, District Gurdaspur.

2. As per allegations, during a police naka bandi, a private tourist bus was stopped. Petitioner was apprehended with a grey bag kept on his thighs and on search 3.5 mg Heroin besides an amount of ₹4,00,000/- were recovered.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that recovery of alleged contraband falls in non-commercial category. Learned counsel further submits that father of the petitioner is head of Dera Samadh at Pathankot (Punjab), Jammu (Jammu & Kashmir) and Churu (Rajashthan) and that on the date of apprehension the petitioner was taking the money of ₹4,00,000/- meant for Dera Samadh.

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4. Notice of motion.
5. Mr. Sahil R. Bakshi, AAG, Punjab accepts notice on behalf of respondent- State.
6. Learned State counsel has placed on record the copy of the custody certificate revealing that petitioner is in custody for the last 01 month and 17 days. As per the said custody certificate, petitioner is involved in one more case but that does not pertain to NDPS Act.
7. Learned State counsel concedes the fact that recovered quantity of contraband does not fall in the commercial category.
8. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

April 30, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No