

Amit Sharma @ Gopi

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.0100 dated 03.10.2022 registered under Sections 21(C), 29 of NDPS Act, at Police Station Khalra, District Tarn Taran.

2. It has been alleged in the FIR that a police team was on patrolling duty and then they saw two persons coming at fast speed on the bike, then the police signalled them to stop. The person, sitting at the rear seat, took out one polythene bag and had thrown at the left side of the road in the grass. When they were apprehended by the police, 260 grams of heroin was found in conscious possession from the petitioner. The driver of the vehicle told his name as Satwinder Singh alias Sajan and person sitting at rear seat told his name as Amit Sharma @ Gopi.

3. Learned counsel for the petitioner contends that neither any recovery has been made from the present petitioner nor any incriminating article has been held by him. He further submits that the petitioner is in custody

since 03.10.2022 and the investigation in this case has already been completed and challan has been presented. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

(N.S.SHEKHAWAT)
JUDGE

18.03.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No