

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

CRM-M-26340-2024 (O&M)
Date of Decision:-13.11.2024

Avinash @ Bablu @ Basanti... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parivatan Singh, Advocate with
Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
0028	6.2.2024	Chheharta, District Amritsar	21(b), 27(a) of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29/61/85 of NDPS Act was added later on

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The case of the prosecution is that the petitioner was found in possession of 110 grams of ‘heroin’.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the recovered quantity would fall in the category of ‘non-commercial’ quantity and, as such, the petitioner, who



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has been behind bars since the last more than 9 months, deserves the concession of regular bail.

- 4. Opposing the petition, learned State counsel submitted that since the petitioner already stands convicted in one case under NDPS Act for recovery of ‘non-commercial’ quantity of contraband and has been involved in two other cases, he does not deserve to be released on bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 9 months and that although charges have been framed, but PWs are yet to be examined.
- 5. This Court has considered the rival submissions addressed before this Court.
- 6. Without commenting anything as regards merits of the case, but having regard to the fact that it is a case of recovery of ‘non-commercial’ quantity of contraband and also that the petitioner has been behind bars for a substantial period of more than 9 months and the trial is yet to commence, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time.
- 7. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.11.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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