

BEANT SINGH ALIAS ANTA AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. P.S. Sehkhon, Advocate and
Mr. Munish Raj, Advocate for the petitioners.

Mr. Jatinder Pal Singh Sr.DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed short reply by way of an affidavit dated 07.09.2024 of Deputy Superintendent of Police, Sub-Division Tapa, Barnala the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioners under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0019	07.04.2024	21 of NDPS, Act (29 NDPS Act added later on)	Sehna, District Barnala

3. Arguments heard.

4. After considering the respective submissions and perusing the



record, it is observed that the petitioners were apprehended on 07.04.2024 and from his possession 70 gram of intoxicant powder was allegedly recovered. The petitioners are in custody since 07.04.2024, after completion of investigation, challan has already been presented in Court wherein prosecution has cited 7 witnesses and till date only one witness has been examined. Admittedly the petitioners are not having any other criminal case registered against him. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioners and no purpose would be served by detaining the petitioner any longer in custody.

5. Resultantly, without commenting on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

25.09.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No