



CRM-M-35344-2024

-1-

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-35344-2024**

Date of Decision: 12.09.2024

Sanjay Kumar @ Sanju @ Boxer

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Fatehjeet Singh, Advocate for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.12 dated 13.04.2024, under Section 22 of NDPS Act, 1985, registered at Police Station Patara, District Jalandhar (Rural).

2. As per facts of the case, on 13.04.2024 the Police party while on patrol spotted a young person coming on feet. On seeing the Police party, he got perplexed and after taking out a plastic envelop from his right pocket threw it on the ground. On suspicion, he was stopped by the Police and on asking, he disclosed his name as Sanjay Kumar @ Sanju @ Boxer (petitioner). The Police suspected that the envelop thrown by the petitioner may carry some intoxicant, thus, he was given offer under Section 50 of the NDPS Act for the search. After conducting search, 55 grams of intoxicant powder was recovered from the plastic envelop thrown by the petitioner. He failed to produce any licence for possessing the same. Thus, FIR was registered and the petitioner was arrested on the spot. On the registration of the FIR, the investigation commenced. Samples taken were sent to the FSL.

The petitioner approached the Court of learned Judge, Special Court,



Jalandhar praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 15.05.2024. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He submits that the alleged recovery has been planted on the petitioner as the same has been shown to be recovered from the plastic envelop allegedly thrown by the petitioner. He submits that no independent witness has been joined for the recovery of the same. He further submits that there is violation of mandatory provisions of Section 50 of the NDPS Act. He submits that even otherwise, the alleged recovery effected falls under the category of non-commercial quantity, thus, provisions of Section 37 of the NDPS Act are not attracted in this case. He submits that though the petitioner is facing prosecution in two more NDPS cases, however, both are pertaining to non-commercial quantity and he is on bail in those cases. He further submits that the investigation is complete. It is submitted that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was arrested on the spot and 55 grams of intoxicant power was recovered from the plastic envelop thrown by him. He submits that due compliance of Section 50 of NDPS Act was made. He submits that the petitioner is involved in two more cases under the NDPS Act, however, as per instructions, he is on bail. He



CRM-M-35344-2024

-3-

further submits that the investigation is complete.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 13.04.2024. The alleged recovery effected from the plastic envelop allegedly thrown by the petitioner is 55 grams of intoxicant power, which falls under the category of non-commercial quantity. Thus, provisions of Section 37 of the NDPS Act are not attracted. Though the petitioner is facing prosecution in two other cases under the NDPS Act, however, he is on bail in those cases. As stated before this Court the investigation is complete.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

12.09.2024
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No