



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(228)

CRM-M-36632-2024 (O & M)
Date of Decision: 06.08.2024

Sukhwinder Singh Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gagandeep Singh Simble, Advocate,
for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.80 dated 19.03.2024 under Sections 22/29,61,85 of the NDPS Act, 1985 registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur.

2. The brief facts of the case are that the petitioner came to be apprehended with 210 intoxicant tablets of alprazolam weighing 28.14 grams (approx.).

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was a violation of the mandatory provisions of the NDPS Act including Sections 42, 50 and 52-A. In fact, as per the FSL report, the quantity of contraband recovered was 28.14 grams (approx.) which is less than the commercial quantity being more than 100 grams. As the petitioner was a first-time offender, in custody since 19.03.2024 and none of the 09 prosecution witnesses had been examined so far, he was entitled to the concession of



4. The learned counsel for the State, on the other hand, contends that as per the prosecution case, the petitioner was apprehended with 210 intoxicant tablets containing 28.14 grams (approx.) of the said salt. He submits that the offences of this kind were on the rise. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 19.03.2024 but none out of the 09 prosecution witnesses had been examined so far and that the recovery was of non-commercial quantity of contraband.

5. I have heard the learned counsel for the parties.

6. Admittedly, the recovery from the petitioner is of non-commercial quantity of contraband, the commercial quantity being more than 100 grams. Therefore, the bar contained under Section 37 of the NDPS Act would not be applicable to the case of the petitioner. Further, the petitioner is stated to be a first-time offender, in custody since 19.03.2024 and none of the 09 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner-Sukhwinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

August 06, 2024
sukhpreet

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