



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.38961 of 2023 (O&M)
Date of Decision: 15.05.2024

Sanjiv Kumar @ Shibha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Piyush Khanna, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*) seeking bail pending trial to the petitioner in FIR No.130 dated 09.05.2023, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Model Town, District Hoshiarpur.

(2) Custody Certificate dated 13.05.2024 of the petitioner has been produced. The same is taken on record. Copy thereof supplied to the opposite side.

(3) Allegations are that petitioner was found in conscious possession of 34 grams of intoxicant powder without any license.



- (4) Learned Counsel contends that petitioner is in custody for the last one year i.e. 09.05.2023 and prosecution has given up five police officials on 03.11.2023; but not producing the material witnesses and thus, unnecessary prolonging the incarceration of petitioner. Also contends that recovery is alleged to be non-commercial in nature; hence, petitioner be granted the concession of bail pending trial.
- (5) *Per contra*, learned State Counsel on instructions opposed the prayer while submitting that petitioner is a previous convict under the NDPS Act and apart that, he is facing three other cases of similar nature and as such, he does not deserve the concession of bail.
- (6) Faced with the above predicament, when this Court was not inclined to accept the prayer, learned Counsel for the petitioner on instructions does not press the present petition at this stage.
- (7) Ordered accordingly.
- (8) Needless to say that the observations made above shall not be construed as an expression of opinion on merits of the controversy in any manner.
- (9) Pending application(s), if any, shall also stand disposed off.

15th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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