

S. No.211

2024:PHHC:018353

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40321 of 2023

Date of Decision:09.02.2024

Amit Sharma

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Brar, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.042 dated 31.03.2022 registered under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Kotwali, District Patiala.

As per allegations, 1180 intoxicating tablets of Alprazolam, weighing 130.98 grams besides 20 grams of smack were recovered from the possession of the petitioner on 31.03.2022, as contained in a black plastic envelope. Petitioner was apprehended by a patrolling party.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 10 months and that trial is likely to take long time, so, he be allowed bail.

Opposing the bail petition, learned State Counsel points out that the recovered quantity of contraband falls in the commercial category, as commercial quantity for Alprazolam starts from 100 grams. Learned State Counsel further

draws attention towards the fact that petitioner is a previous convict in the NDPS matter.

Heard.

As per the custody certificate placed on record, petitioner is in custody for the last 01 year 10 months and 04 days.

It is informed by learned State Counsel, on instructions from ASI Baldev Singh, that out of 09 witnesses cited by the prosecution, only one witnesses has been examined so far. Thus, trial is likely to take long time. Custody certificate further reveals that the petitioner is a convict under Section 21 of the NDPS Act in case FIR No.193 dated 22.09.2008 at Police Station Sadar, Patiala and he was released after completing his sentence of six months' imprisonment on 25.01.2013 i.e. long back.

Having regard to all the afore-said facts and circumstances, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

February 09, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No