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2024:PHHC:127008



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

CRM-M-43752-2024
Date of Decision: 25.09.2024

AVTAR SINGH ALIAS KAKA

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashit Malik, Advocate for the petitioner.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.122 dated 21.06.2024 registered for the offences punishable under Section 22 of NDPS Act at Police Station Sadar Nabha, District Patiala.

2. The allegations in nutshell are that the petitioner was apprehended by the police and recovery of 205 intoxicant capsules contained in a polythene bag were recovered from his possession on 21.06.2024.

3. Counsel for the petitioner *inter alia* submits that the petitioner, who was arrested on 21.06.2024 is presently lodged in judicial custody and after completion of investigation, challan stands presented but it will take time for the trial to conclude. It is further submitted that the alleged recovery falls under non-commercial quantity and as such



is not covered under the rigors of Section 37 of NDPS Act. Counsel for the petitioner further apprised the Court that petitioner is also involved in some other criminal cases of similar nature wherein he is already enlarged on bail.

4. Present petition is resisted by the State Counsel, who on instructions from ASI Ved Prakash submits that no doubt the present case is relating to recovery of non-commercial quantity of medical intoxicants from the petitioner but the petitioner is having criminal history and is facing another four cases under NDPS Act. However, the State counsel has not disputed the fact that the petitioner is on bail in all the other criminal cases faced by him.

5. I have considered the submissions made by the counsel for the parties.

6. Undoubtedly, the present case is relating to recovery of non-commercial quantity of medical intoxicants and thus, stringent provisions of Section 37 of NDPS Act are not applicable to the case at hand. The petitioner who was arrested on 21.06.2024 is presently lodged in judicial custody. Admittedly, challan stands presented and charges are also framed but trial has not commenced till date. Furthermore, it will take time for the trial to terminate and in all the other criminal cases faced by the petitioner he is stated to be on bail. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of



the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

25.09.2024
Priyanka Thakur

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