



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

221

CRM-M-46288-2024

Date of Decision : **September 23, 2024**

MANOJ KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner prays for grant of regular bail in case FIR No.01 dated 2.1.2024, Under Sections 22/21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Division-4 (Lahori Gate, Patiala), District Patiala.

2. Learned counsel for the petitioner in the asking for the relief (supra) submits that the recovery effected from the present petitioner is of 23 grams of intoxicant powder, which was subsequently declared as Tramadol, therefore, the recovered quantity falls within the ambit of non-commercial quantity. He further submits that though the petitioner is involved in 1 other case of similar nature, but in that case, he is already on bail.

3. The learned State counsel has opposed the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and apart from one other case under the NDPS Act, he is also involved in two other cases under the IPC. He has also placed on record the custody certificate *qua* the petitioner, as per which the petitioner has suffered incarceration of 8 months and 17 days as on today. He further informs this Court on instructions imparted to him by the official concerned that after the completion of the investigation, the final report has been submitted before the learned trial Court concerned but the charges have not been framed yet and the prosecution has cited 7 witnesses in the final report.

4. Be that as it may, considering the fact that the recovered quantity falls within the ambit of non-commercial quantity and the petitioner has suffered incarceration of 8 months and 17 days as on today and the trial is yet to begun, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

5. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

September 23, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No