

S. No.225
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:013875

CRM-M-52441 of 2023
Date of Decision:01.02.2024

Amandeep Singh @ Amana
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.
Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report has not been filed.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.52 dated 03.05.2023 registered under Sections 22 and 21(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Gidderbaha, District Sri Muktsar Sahib.

As per allegations, petitioner was apprehended on 03.05.2023, when he threw a green coloured envelope from his right pocket on the ground. On search, 100 tablets of Colovido1-100 SR containing salt Tramadol Hydrochloride; and 30 mg of heroin were recovered from his possession.

Learned counsel for the petitioner contends that the recovered quantity of contraband falls in the non-commercial category; that petitioner is in custody for the last approximately nine months; and that the trial may take long time to conclude, so, the petitioner be allowed bail.

Though status report has not been filed, learned State Counsel, on instructions from ASI Balwant Singh, concedes the fact that recovered quantity of contraband from the petitioner falls in the non-commercial category. However,

bail is opposed on the ground that the petitioner is involved in one more case under the NDPS Act and that he has been convicted in one more case pertaining to the NDPS Act.

Replying to the afore-said submission, learned counsel for the petitioner submits that the petitioner is simply an addict which will be evident from the fact that only non-commercial category of contraband was recovered from him. Even in the earlier conviction, his sentence was for one year imprisonment.

Learned State Counsel has also informed that out of 17 witnesses cited by the prosecution, not even a single witness has been examined so far.

Custody certificate placed on record by learned State Counsel, reveals that petitioner is in custody for the last 08 months 29 days as on 30.01.2024.

Having regard to all the afore-said facts and circumstances of the case, particularly the fact that recovered quantity of contraband falls in the non-commercial category and the trial may take long time to conclude, the 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 01, 2024
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(DEEPAK GUPTA)
JUDGE

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