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

CRM-M-53039-2024**Date of Decision: 19.12.2024**

Ajay Kumar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Laghuinder Singh Sekhon, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.76 dated 13.08.2023 registered under Sections 22, 25 and 29 of NDPS Act, at Police Station Badhni Kalan, District Moga.

2. As per case of the prosecution, the alleged recovery of two strips of intoxicant tablets Mark Etilaam 0.25 each strip containing 10 tablets and one strip of intoxicant tablets Mark Etilaam 0.25 containing 9 tablets (total 29 tablets) was effected from the conscious possession of the present petitioner, which is marginally above commercial quantity.

3. Learned counsel for the petitioner contends that the entire case is based on secret information and no private witness has been associated by the police party. He further submits that no warrant of search was obtained before conducting the search of the vehicle. He further contends that the petitioner is not involved in any other criminal activity. The petitioner is in custody since



13.08.2023 and the final report under Section 173 Cr.P.C. has already been presented against him. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

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

(N.S.SHEKHAWAT)
JUDGE

19.12.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No