

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

Neutral Citation No. **2024:PHHC:040039**
CRM-M-57522-2023
Date of Decision: March 20, 2024

Hardeep Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Saurabh Singla, Advocate for the petitioner.
Mr. Gurpartap Singh Bhullar, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.181 dated 11.08.2023, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Lambi.

2. As per the prosecution allegations, petitioner was apprehended on suspicion when he threw a polythene bag from his right hand on 11.08.2023. 10 tablets of Etilax-P containing the salt of etizolam propranolol, were recovered from the possession of the petitioner. As per the FSL report, the salt contained in the tablets was that of etizolam weighing 1.49 grams.

3. Learned counsel for the petitioner contends the recovered quantity of contraband falls in the non-commercial category and that the petitioner is in custody for the last more than 07 months; that the trial is not proceeding further and so he be allowed bail.

4. Status report has been filed.

5. It is conceded by learned State counsel that the recovered quantity of contraband falls in the non-commercial category. However,

learned State counsel has opposed the bail petition on the ground of criminal antecedents of the petitioner, revealing that petitioner is involved in 04 other cases.

6. However, the custody certificate would reveal that petitioner was convicted in a case bearing FIR No.299 of 2005, under Section 15 of the NDPS Act, registered at Police Station Lambi, but his sentence came to an end in July, 2011. Petitioner was acquitted in other case bearing FIR No.01 of 2007, under Section 15 of the NDPS Act, registered at Police Station Lambi. Custody certificate also reveals that presently, petitioner is involved in case FIR No.159 of 2018, under Section 15 of the NDPS Act, registered at Police Station Dabwali Sadar, in which he is on bail.

7. As far as the present case is concerned, petitioner is in custody for the last 07 months and 07 days. The recovered quantity of contraband falls in the non-commercial category.

8. Learned State counsel also informs that out of 19 witnesses cited by the prosecution, not even a single witness has been examined so far. Thus, the trial is likely to take long time to conclude.

9. Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

March 20, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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