

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-59926-2023
Date of Decision.:23.01.2024

Aniket Singh @ Aniket Singh SisodiyaPetitioner
Vs.
UT of ChandigarhRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Manish Bansal, PP, U.T. Chandigarh.

DEEPAK GUPTA, J. (ORAL)

Status report by way of an affidavit of Shri Dalbir Singh, CPS,
SDPO South has been filed on behalf of UT, Chandigarh.

2. The petitioner is seeking regular bail by way of petition filed
under Section 439 Cr.P.C in case FIR No.132 dated 18.08.2023 registered
under Section 21 of the NDPS Act registered at Police Station South Sector
34, District Chandigarh.

3. As per the prosecution allegations, the recovered mixture of
51.61 grams as per CFSL report [Diacetylmorphine (Heroin);
Monoacetylmorphine; Acetylcodein; Diazepam; Diphenoxylate] was
recovered from the possession of the petitioner on 18.08.2023. The
recovered contraband fall under commercial category being more than 50
grams.

4. The contention of learned counsel for the petitioner was noted
on the last date of hearing to the effect is that the weighed quantity of

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contraband 51.52 grams was including the weight of the carry bag.

5. The aforesaid fact is not disputed by learned State counsel on the basis of status report filed today, which is also accompanied by the certificate under Section 52-A of the NDPS Act issued by the concerned jurisdictional Magistrate which also reveals that sealed packet weighing 51.61 grams of contraband was produced for certifying the inventory.

6. It is thus clear from the aforesaid circumstances that contraband was weighed along with the carry bag. There is no mention as to what was the weight of the contraband and the carry bag separately. In these circumstances there are chances that weight of contraband may be below 50 gram i.e. falling in the scope of non-commercial category.

7. Petitioner is in custody for the last 05 months and 05 days with no criminal antecedents as per the custody certificate placed on record. After concluding of the investigation challan has already been filed. Even charges have been framed. Out of 13 witnesses cited by the prosecution none of the witness has been examined so far. Trial may take time to conclude.

8. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

January 23, 2024

Neetika Tuteja

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