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

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CRM-M-62356-2024 (O&M)
Date of decision: 06.03.2025

Balwant Nath**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 118 dated 09.09.2024, registered under Sections 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sirhali, District Tarn Taran.

2. Brief facts of the case relevant for the disposal of the present petition are that on 09.09.2024, the petitioner and co-accused Angrej Singh were apprehended by the police party and recovery of 101 grams of heroin was effected from the polythene bag, which was thrown by the petitioner, whereas recovery of 102 grams of heroin was effected from the polythene bag of co-accused. Both of them were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He

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had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 20.11.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. Mandatory provisions of Section 50 of the NDPS Act were not complied with. Even otherwise, the quantity of alleged contraband does not fall under the commercial quantity. Investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in judicial custody since 09.09.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Short reply has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was apprehended at the spot and recovery of 101 grams of heroin was effected from him. Trial is going on at a proper pace. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner along with aforesaid co-accused was apprehended by the police party on 09.09.2024 and recovery of 101 grams of heroin was effected from the petitioner, whereas 102 grams of heroin was recovered from the co-accused. The petitioner is not shown to be involved in any other case under the NDPS Act. The quantity of the contraband allegedly recovered from the petitioner obviously does not fall

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within the ambit of commercial quantity. Investigation has since been completed and *challan* has been presented. Trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

06.03.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>