

CRM-M-23219-2021

Date of Decision: 30.07.2021

Mandeep Singh @ Mani

.....Petitioner

Vs.

State of Punjab

....Respondent

CRM-M-23391-2021

Yadwinder Singh aias Yaadu

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Gaurav Sharma, Advocate,
for the petitioner in CRM-M-23219-2021.

Mr. Siddharth Gupta, Advocate,
for the petitioner in CRM-M-23391-2021.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By these petitions, the petitioners seek the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.238, dated 16.05.2021, having been registered at Police Station City Barnala, District Barnala, alleging therein the commission of offences punishable under the provisions of Sections 21/22/25/61/85 of the NDPS Act, 1985.

Short affidavits having been filed in reply to both petitions by the DSP, Barnala, both dated 10/12.07.2021, they are ordered to be taken on record.

As per the said affidavits there is no other criminal case found to be registered against either of the petitioners.

Learned counsel appearing for both the petitioners submit that

therefore, with the alleged recovery of the contraband in question being less than commercial quantity, with the petitioners having been in custody for more than 2 months each and they having been nominated allegedly on a disclosure statement made in police custody by a co-accused, as the persons from whom commercial quantity of intoxicant powder was recovered (as per the case of the investigating agency), and there being a doubt as to whether such a disclosure statement would be admissible in evidence or not (though subsequently a recovery of 10 grams of intoxicant powder from each petitioner is alleged to have been made), in my opinion, this may be an appropriate case where the petitioners do deserve the concession even in terms of Section 37(1)(b)(ii) of the NDPS Act, 1985, of course without making any final comment on the merits of the case, which would obviously be considered by the trial court on the basis of the evidence led before it.

Consequently, the petitions are allowed and the petitioners are ordered to be admitted to bail, upon them furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

A photocopy of this order be placed on the file of the connected case.

July 30, 2021

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO