



CRM-M-25255-2025

-2-

the first time offender and he has already suffered incarceration of more than 01 year and out of 16 prosecution witnesses, not even a single witness has been examined till date.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that that the alleged recovery falls under the ambit of commercial quantity and the complicity of the petitioner is duly established, as such, he is not entitled to any relief. However, he could not controvert the fact that the petitioner is the first time offender and he is in custody since 16.04.2024 and till date, not even a single prosecution witness has been examined.

I have heard learned counsel for the parties and on perusal of the record of the case with their able assistance, it transpires that in the cases of *'Sukhchain Singh @ Manga Versus State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh versus State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya versus State of Punjab (CRM-M-37645-2021)' decided on 11.11.2022, 'Jang Kanwar Versus State of Punjab (CRM-M-53415-2021)' decided on 19.01.2022, 'Shankar Prashad Chanau Versus The State of Punjab, CRM-M-4090-2020, decided on 27.08.2020, Gurpreet Kumar Versus State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim Versus State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Gagandeep Versus State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi Versus State of Punjab, CRM-M-41039-2019, decided on 26.02.2020, Dalbara Singh Versus State of Punjab, CRM-M-47880-2022 decided on 16.01.2023', and Vivek*



CRM-M-25255-2025

-3-

Watts versus State of Punjab, CRM-M-13791-2022 decided on 15.02.2023, where the recovery from the accused was marginally above the commercial quantity for the respective contraband in each case, the Court granted bail to the accused therein.

In the present case, the alleged recovery from the petitioner is of 2 kgs. 605 grams of opium, which is marginally above the commercial quantity of 2 kgs. 500 grams of opium. The petitioner is a first time offender with no other case under the NDPS Act has been registered against him. In this situation, the provisions of Section 37 of the NDPS Act can be relaxed to an extent and the case of the petitioner can be considered for the grant of bail, more so, when he is in custody since 16.04.2024 and none out of the 16 prosecution witnesses has been examined so far.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Ranjeet Kumar Yadav, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

14.05.2025*Neha*

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