

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

CRM-M 12424 of 2015

Date of decision : 27.04.2015

Harpreet Singh @ Hira

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

This is a petition filed under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner vide FIR No. 233 dated 18/61/85 of the NDPS Act at Police Station Sadar Jagraon, District Ludhiana.

Learned counsel for the petitioner has relied upon order passed in *CRM M-24344 of 2014* titled as *Vadhawa Ram vs. State of Punjab* to contend that quantity of contraband recovered from the petitioner is marginally higher than the commercial quantity. Despite the fact that FIR was registered on 20.12.2014, investigating agency has not presented the challan till now. Thus, no useful purpose would be served by detaining the petitioner in custody any longer.

Learned State counsel has opposed the prayer. According to him, petitioner was found in possession of opium weighing 2kgs and 570 grams which is a commercial quantity.

I have heard learned counsel for the parties.

It appears that petitioner is in custody since 20.12.2014 and quantity of contraband recovered from him is marginally higher than the commercial quantity. In view of facts and circumstances of the case and the order passed in Vadhawa Ram's case (supra), I am of the considered view that that no useful purpose would be served by detaining him in custody any longer. Without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Accordingly, petition is allowed and petitioner is ordered to be enlarged on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

April 27, 2015

Ajay

(RAJAN GUPTA)
JUDGE