

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

CRM No.M-1812 of 2015

Date of Decision: 12.2.2015

Mohd. Dilshad @ Bhangi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Amjad Khan, Advocate for the petitioner.

Ms.Priyanka Sadar, AAG Punjab for the State.

MEHINDER SINGH SULLAR , J. (Oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Mohd. Arshad alias Sami s/o Mohd. Aslam and Mohd. Fakirya @ Bagga s/o Mohd. Salamdeen, vide FIR No.34 dated 12.4.2014 (Annexure P1), on accusation of having committed an offence punishable under section 15 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter to be referred as “the NDPS Act”), by the police of Police Station Sadar, Sangrur.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this respect.
4. Precisely, the prosecution, inter-alia, claimed that on 12.4.2014, having completed all the codal formalities and in the wake of search, 60 Kg.

of poppy husk was recovered from the car of petitioner and his other co-

accused. Since only 60 kg. of poppy husk was recovered from the possession of all the accused, which is marginally higher, than the small quantity, so, to me, the petitioner is entitled to the benefit of regular bail in the obtaining circumstances of the case.

5. Moreover, the petitioner was arrested on 12.4.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case under NDPS Act. Even since the charges have not yet been framed against the accused, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of the peculiar facts & special circumstances, emanating from the record, as depicted here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his filing a specific affidavit to the effect that he will not indulge in any such illegal activities in future and on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, during the course of trial, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

(Mehinder Singh Sullar)
Judge

12.2.2015

AS