

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

**Criminal Misc. No. M-32519 of 2015
Date of Decision: 28.09.2015**

Atma Ram

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. D.N. Ganeriwala, Advocate
for the petitioner (s).

Mr. P.S. Madahar, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 439 CrPC is for grant of regular bail to the petitioner in case FIR No.39 dated 1.3.2015 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City-I, Abohar.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he was found in possession of 2.6 kgs. of opium which is marginally higher than non-commercial quantity i.e. 2.5 kgs. He further submits that the petitioner is in custody since 1.3.2015. He has placed reliance upon the order of

this Court in CRM No.M-24344 of 2014 *Vadhawa Ram v. State of Punjab* dated 22.8.2014 to contend that in similar circumstances, where the accused was found in possession of 2.6 kgs. of opium, this Court had admitted the petitioner-therein on bail. Reliance has also been placed on order of this Court dated 29.11.2014 passed in CRM No.M-31748 of 2014 *Sewa Singh v. State of Punjab* and order dated 6.5.2015 passed in CRM No.M-14029 of 2015 *Kamlesh v. State of Punjab*.

Learned State counsel, on instructions from ASI Jaskaran Singh, does not dispute the custody of the petitioner as well as the order of this Court in CRM No.M-24344 of 2014 etc. He further submits that in the present case, challan has been submitted and FSL report is awaited.

Considering the fact that the trial is likely to take sufficient long time and the alleged recovery of contraband is marginally higher than the non-commercial quantity, this Court is of the opinion that the petitioner deserves the concession of bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Fazilka.

September 28, 2015
AK

(HARI PAL VERMA)
JUDGE