

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

CRM M-38829 of 2015.

Date of decision: 26.11.2015.

Ram Krishan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. D.S. Sandhu, Advocate
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

This is an application for grant of regular bail under Section 439 Cr.P.C in FIR No. 26 dated 12.2.2014 under Section 22 of NDPS Act, registered at Police Station Kotwali, District Kapurthala.

Learned counsel for the petitioner contends that the bail has been declined by the trial Court on the premise that though, the quantity recovered is non-commercial but is nearing commercial quantity being on the higher side. The petitioner is not involved in any other similar FIR. Challan has already been presented against the petitioner. The petitioner is in custody since 12.2.2014.

The learned State counsel is unable to controvert the fact that the quantity is non commercial. However, he states that the quantity is close to commercial quantity and the petitioner is involved in another FIR No.15 dated 22.1.2007 under Section 380 IPC

registered at Police Station City Kapurthala.

Keeping in view the fact that the quantity recovered is non-commercial and the petitioner is in custody since 12.2.2014 and he is not involved in any other similar FIR, this Court is of the opinion that it is a fit case to allow the concession of bail to the petitioner. Consequently, the petition is allowed and the petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court.

26.11.2015.
SN

(JITENDRA CHAUHAN)
JUDGE