

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

**CRM-M No.39909 of 2015 (O&M)
Decided on : 01.05.2015**

Mohd. Rafi Awan

.... Petitioner

Vs.

State of Punjab

.... Respondent

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. K.S.Sandhu, Advocate
for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

MAHESH GROVER, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.31 dated 09.02.2014 registered under Sections 15, 61 & 85 of NDPS Act at Police Station Tanda, District Hoshiarpur.

It is averred by learned counsel for the petitioner that the petitioner is in custody for the last one year, 2 months and 28 days and the trial is not in progress except recording three witnesses. He further submits that the petitioner was the driver of the truck from where 72 kg of poppy husk was recovered. It is further contended that there is no other case against the petitioner and he is also suffering from kidney ailment. Learned counsel for the petitioner has placed on record some material in this regard.

Learned counsel for the State contends that the petitioner does not deserve the concession of bail since the contraband was recovered from the truck.

On due consideration of the matter and noticing that the

petitioner is in custody for the last more than 1 year and the fact that the trial would take time to conclude and there is no other case against the petitioner, the instant petition is accepted. It is directed that the petitioner be released on bail in terms of Section 439 Cr.PC subject to his furnishing of bail bonds to the satisfaction of learned Trial Court/Duty Magistrate, Hoshiarpur.

Nothing said herein shall be construed to be an expression on the merits of the case.

01.05.2015
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(Mahesh Grover)
Judge