

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-40417 of 2015
Date of Decision: 04.12.2015

Beera 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. H.S. Bhullar, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, pending trial, in case FIR No.80 dated 17.6.2015 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Payal, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner is in custody since 17.6.2015 and there is no other against

him. He has been falsely implicated in the instant case for the reason that the petitioner had filed CRM-M-20347 of 2014 titled as *Beera Ram v. State of Punjab*, which was disposed of by this Court vide order dated 10.6.2014 directing SSP, Khanna to dispose of his representation, which invited displeasure of the police. He further submits that the allegation against the petitioner is that he was in possession of 2 kg and 600 grams of opium, which is marginally higher than non-commercial quantity.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. Learned State counsel, on instructions from SI Jagdish Singh, does not dispute the fact that the petitioner is in custody since 17.6.2015 and he was found in possession of 2 kg and 600 grams of opium, which is marginally higher than non-commercial quantity.

Heard.

Considering the fact that recovery from the petitioner is of 2 kg and 600 grams of opium, which is marginally higher than non-commercial quantity coupled with the fact that the trial will take sufficiently long time, as even the FSL report has not been received, the present petition is allowed. The petitioner is admitted to regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Ludhiana.

December 04, 2015
AK

(HARI PAL VERMA)
JUDGE