

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-41664-2015 (O&M)

Date of Decision: December 15, 2015

Bajnath Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. G.S. Verma, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for the respondent.

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

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Bajnath Ram, son of Mohinder Ram, resident of Khajuria, Police Station, Dal Singhsar, District Smastipur (Bihar), at present resident of Jhuggian village Jassian, near Railway Bridge, Ludhiana, who has been booked for having

committed the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the NDPS Act'), in a case arising out of FIR No. 71, dated 26.05.2014, registered at Police Station, Division No. 4, Ludhiana.

Learned counsel contends that as per prosecution version non-commercial quantity of Alprazolam powder was recovered from the petitioner on 26.5.2014. On the same day, the petitioner was arrested and thereafter granted bail on 9.7.2014. After receipt of the report from the Chemical Examiner, Kharar, the petitioner was arrested once again on 19.9.2015 and thereafter sent to judicial custody and since then he is languishing in jail. He further contends that the petitioner is neither required nor involved in any other case. During bail, the petitioner did not misuse the concession. He further contends that Section 37 of the NDPS Act would not be applicable in the present case.

Learned counsel for the State has not controverted the factual aspects raised by learned counsel for the petitioner.

In view of totality of the facts and circumstances of the case, the present petition is accepted. The petitioner, Bajnath Ram, son of Mohinder Ram, resident of Khajuria, Police Station,

Dal Singhsar, District Smastipur (Bihar), at present resident of Jhuggian village Jassian, near Railway Bridge, Ludhiana, is ordered to be released on bail during pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

(NARESH KUMAR SANGHI)
JUDGE

December 15, 2015
Pkapoor