

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

**CRM No.M- 43946 of 2014
Date of decision: 08.01.2015**

Raj Kumar

....Petitioner

Versus

Narcotics Control Bureau, Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN.

Present: Mr. Amit Dudeja, Advocate
for the petitioner.

Mr. D.D. Sharma, Advocate
for the respondent.

JITENDRA CHAUHAN J. (Oral)

This petition under Section 439 of the Code of Criminal Procedure has been filed for grant of regular bail to the petitioners in case NCB Crime No.40 dated 17.10.2014, registered under Sections 8/18/29 and 60 of Narcotic Drugs and Psychotropic Substances Act, by Narcotic Control Bureau, Chandigarh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. As per the allegations, four persons, namely, Narinder Sharma, Raju Devi, Darshan Singh and Pritam Singh, were apprehended by the Intelligence Officer of Narcotic Control Bureau, Chandigarh on 17.10.2014 near Petrol Pump, HMT Area, Pinjore, District Panchkula, Haryana, for illegal possession of opium weighing 3.990 Kgs. It is further contended that on the basis of disclosure statement made by Narinder

Sharma, the present petitioner was arrested in follow up action and allegedly recovery of 500 gms. of opium was effected from the Shop No.408, Motor Market, Mani Majra, UT, Chandigarh, which is not owned by the petitioner. The quantity of opium effected from the petitioner is non-commercial. The petitioner is in custody since 17.10.2014.

On the other hand, learned counsel for the respondent contends that the petitioner was arrested on 17.10.2014, while in conscious possession of 500 gms. of opium for which he had made payment of Rs.50000/- to Narinder Sharma. However, he admits, on the instructions, that the petitioner is not involved in any other FIR.

Heard.

Keeping in view the above facts and circumstances and the fact that the quantity recovered from the petitioner is non-commercial, it would be just and expedient to order the release of the petitioner on bail. This petition is allowed. The petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the CJM/Duty Magistrate, Panchkula.

(JITENDRA CHAUHAN)
JUDGE

08.01.2015

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