

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

CRM No. M-10778 of 2016.

Decided on: 08.07.2016.

Ranjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Manish Kumar Singla, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl. AG, Punjab.

JITENDRA CHAUHAN.J.(ORAL)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No. 5 dated 13.01.2016, registered under Section 15 of the NDPS Act, at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that allegedly 60 kg of poppy husk was recovered from the boot of car No. PB-12F-2235 of which the petitioner was one of the occupants. He further states that he is not owner of the car and the recovery was not effected from the conscious possession of the petitioner. The quantity recovered from the boot of the car was non commercial as the weight of the carry bag has also been included. The petitioner is in custody since 13.1.2016. Out of nine prosecution witnesses, none has been examined so far.

On the other hand, learned State counsel opposes the bail application.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the recovery was not effected from the conscious possession of the petitioner, the quantity recovered from the boot of the car was non commercial, as the weight of the carry bag has also been included, the petitioner is in custody since 13.1.2016 and out of nine prosecution witnesses, none has been examined so far, therefore, it can be inferred that the trial is not likely to be concluded in near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

08.07.2016
SN

(JITENDRA CHAUHAN)
JUDGE