

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

CRM-M-12411-2016 (O&M)
Date of decision : 12.07.2016

Rohi Ram @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S. Cheema, Advocate for the petitioner.

Mr. A.S. Kaler, DAG, Punjab,
assisted by ASI Krishan Kumar.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in case FIR No.9 dated 25.01.2016, registered under Section 15 of the NDPS Act; Section 61 of the Excise Act; and Section 25 of the Arms Act, at Police Station Sardulgarh, District Mansa.

Learned counsel contends that the petitioner has been falsely implicated in the present case. He is in custody since 25.01.2016. The petitioner was not in conscious possession of the recovered articles. He was travelling with two other co-accused and each one has been shown to be carrying 240 bottles of liquor and 10 kgs of poppy husk. The recovery of liquor was effected from the boot of the car whereas, the recovery of poppy husk is non-commercial in nature. The pistol along with three cartridges allegedly recovered was planted by the police. He is not involved in any other FIR.

On the other hand, the learned State counsel, on instructions, submits that the challan though prepared but has not been presented so far. He further informs that there are total nine prosecution witnesses.

Heard.

The petitioner is not involved in any other case. He is in custody since 25.01.2016. The quantity of contraband allegedly recovered is non-commercial. The challan is yet to be presented thus, it can be safely inferred that the trial is not likely to be concluded in the near future. Therefore, no purpose would be achieved in keeping the petitioner under further incarceration.

Keeping in view the totality of the circumstances, without advert to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

12.07.2016
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(JITENDRA CHAUHAN)
JUDGE