

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

CRM No. M-16399 of 2016.

Decided on: 31.08.2016.

Munfed

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Saurav Mohunta, DAG, Haryana.

JITENDRA CHAUHAN.J.(ORAL)

This is an application under Section 439 Cr.P.C for grant of regular bail in FIR No.203 dated 21.03.02015 registered under Section 20 of NDPS Act at Police Station Nuh, District Mewat.

Learned counsel for the petitioner contends that the petitioner was not arrested from the spot. The petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused Tayub, who has been discharged. Co-accused Lukman has been allowed bail vide order dated 08.12.2015 passed in CRM M-39623 of 2015. The petitioner was a cleaner on the vehicle. He is not involved in any other FIR. The petitioner is in custody since 11.12.2015.

On the other hand, the learned State counsel submits

that a huge quantity of 88 gms of Ganja was recovered from the

vehicle. On seeing the Police party, the petitioner fled away from the spot.

I have heard the learned counsel for the parties and have gone through the case file.

Considering the fact that the petitioner was not arrested from the spot, the recovery was not effected from his conscious possession, co-accused Lukman has been allowed bail, out of 22 prosecution witnesses, four witnesses have been examined so far, without commenting on the merits of the case, the instant petition is allowed and the petitioner is ordered to be admitted to bail on his furnishing bail bonds to the satisfaction of trial Court.

31.08.2016.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No