

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

CRM-M-30523-2016 (O&M)

Date of decision: 09.09.2016

Rajesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Paramjit Singh Jammu, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Rajinder Singh.

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.782 dated 16.10.2015, registered under Sections 17 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sirsa.

Learned counsel contends that allegedly, 250 kgs. of opium was recovered from the petitioner, which falls under the category of 'non-commercial' quantity. Four co-accused namely, Balkar Singh @ Bagga, Mukesh Kumar, Dinesh and Sanjay Kumar @ Sanju have already been admitted to bail.

On the other hand, learned State counsel states that the quantity recovered falls under the category of 'commercial quantity.

Heard.

The fact whether the quantity recovered in the instant case is commercial or otherwise, shall remain a moot point before the trial Court.

The petitioner is in custody since 16.10.2015. All the other co-accused have already been admitted to bail.

In view of the above, without adverting 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.

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

09.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No