

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

CRM -M-33904 of 2016 (O&M)

Date of decision: 30.09.2016

Mahavir Parshad

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ravi K. Matoo, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Baljinder 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 FIR No. 72 dated 14.06.2012, registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Julkan, District Patiala.

It is contended that the recovery was allegedly effected from the vehicle i.e. Scorpio Jeep of which the petitioner is neither the owner nor the driver. The petitioner had taken lift and was a co-passenger. The petitioner is in custody since 16.06.2012.

On the other hand, learned State counsel opposes the bail application and states that the quantity is commercial in nature. The

petitioner was one of the occupants of vehicle from which the alleged recovery was effected.

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

This is the 4th bail application. The earlier three bail petitions were dismissed as withdrawn. Considering the long incarceration and the fact that the recovery was not effected from the conscious possession of the petitioner and he is not involved in any other FIR, without advertng 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.

30.09.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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