

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-34043 of 2016

Date of Decision: 27.10.2016

Ashok Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Himanshu Puri, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.234 dated 17.8.2013 under Section 61 of the Excise Act, 1914 and Section 22 of the NDPS Act registered at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner contends that the allegation against the petitioner is that recovery of 240 bottles of Whisky and 545 grams of intoxicant powder (Dextropropoxyphene) was made from him. He further submits that the petitioner is in custody since 7.5.2016 and there is no other case registered against the petitioner under the NDPS and since trial will take long time, the petitioner be released on bail.

On the basis of custody certificate, which is already on record, learned State counsel does not dispute the contentions raised on behalf of the petitioner. However, he submits that there are five other cases registered against the petitioner under the Excise Act.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 7.5.2016 and trial in the case will take long time, as prosecution evidence has yet not been started, I deem it appropriate to release the petitioner on regular bail. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act or Excise Act, the prosecution will be at liberty to seek cancellation of his bail.

Needless to say that the observations made hereinabove shall not be construed as any expression on the merits of the case.

October 27, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No