

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

CRM-M-37235-2016

Date of decision: November 08, 2016

Neela Ram @ Hira Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab
for the respondent-State.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 439 of Code of Criminal Procedure (for brevity, "Code" only), petitioner-Neela Ram @ Hira Lal has sought bail during the pendency of trial, in case FIR No.83 dated 29.04.2016, under Section 15 of NDPS Act, registered at Police Station Sahnewal, District Ludhiana.

As per the case of prosecution, 56 kgs of poppy husk was recovered from the petitioner and his co-accused.

Learned counsel for the petitioner contended that the recovery of 56 kg of poppy husk made from two persons, is marginally more than non-commercial quantity. He further contends that petitioner is in custody since 29.04.2016 and since then, he is cooling his heels behind the bars. It is an admitted fact that after the conclusion of the investigation, report under Section 173(2) Cr.P.C. has already been presented before the learned Jurisdictional Magistrate and disposal thereof, would take sufficient long time.

Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during the pendency of the trial, at the satisfaction of trial Court/Duty Magistrate.

November 08, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No