

285.

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

CRM-M-39881-2016

Date of decision:15.11.2016

Gurdev Singh Dev

... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.D.S. Virk, Advocate,
 for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.25 dated 05.03.2016 under Section 15 of NDPS Act, Police Station Guhla, District Kaithal.

Learned counsel for the petitioner contends that the allegation against the petitioner is recovery of 20 kg of poppy straw and 50 kg of poppy husk which is marginally higher than the commercial quantity. He states that petitioner is in custody since 05.03.2016 and also states that though there is one case against the petitioner, but he is already on bail.

On the other hand, learned State counsel on instruction from ASI Tehal Singh submits that since there is another case against the petitioner, he is not entitled the relief sought.

Heard, learned counsel for the parties.

The petitioner is in custody since 05.03.2016 and the trial in the case will take sufficient long time. The alleged recovery is of 70 kg of poppy husk which is marginally higher than the commercial quantity.

Accordingly, without making any observations on the merits of the case, but taking into consideration the alleged recovery of 70 kg of poppy husk, coupled with the fact that the trial in the case will take long time, this Court is of the opinion that no useful purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner is found indulged in any other case of similar nature, the prosecution in the State of Haryana as well as State of Punjab will be at liberty to seek cancellation of bail of the petitioner.

(HARI PAL VERMA)
JUDGE

15.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.