

213.

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

CRM-M-41202-2016

Date of decision:23.11.2016

Mohammad Navi

... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanjeev Kodan, 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.314 dated 22.09.2016 under Section 15 of NDPS Act, registered at Police Station Beri, District Jhajjar.

Learned counsel for the petitioner contends that the allegation against the petitioner is recovery of 5 kg of *churapost* (poppy straw) and, therefore, the recovered quantity is non-commercial. He states that petitioner is in custody since 22.09.2016 and the prosecution has submitted challan, but charge has not been framed and the trial in the case will take sufficient long time.

Learned State counsel, on instruction from ASI Surinder Kumar, does not dispute the alleged recovery and states that challan has been presented before the trial Court but charge has not been framed.

Heard, learned counsel for the parties.

Considering the alleged recovery of 5 kg of *churapost* (poppy straw), 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 will be at liberty to seek cancellation of bail of the petitioner.

(HARI PAL VERMA)
JUDGE

23.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.