

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No.M-43426 of 2015 (O&M)

Date of decision:05.01.2016

Kartar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. H.S. Batth, Advocate for the petitioner.

Mr. J.S. Brar, AAG, Punjab.

....

TEJINDER SINGH DHINDSA, J.

This is a petition filed under Section 439 Cr.P.C. seeking the concession of regular bail to the petitioner in case FIR No.95 dated 21.05.2014, under Section 22 of the NDPS Act, registered at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel appearing for the petitioner would submit that as per case of the prosecution, the petitioner on being confronted by a police party which was patrolling in the area had thrown a polythene bag on the ground and which upon checking contained 100 grams intoxicating powder.

It is the submission made by counsel that the recovery has not been effected from the present petitioner or his custody but infact from a polythene bag lying on the road and as such it would not amount to recovery from the possession of the accused.

Counsel further submits that the petitioner was arrested on 21.05.2014 and thereafter had been granted the benefit of interim bail on 24.07.2014 as the report of the Chemical Examiner had not been received. Such concession of bail was cancelled on 03.08.2015 and during such interregnum the petitioner had not misused the concession.

Learned State counsel would even otherwise concede that the petitioner is not involved in any other proceedings under the NDPS Act.

In an overview of the matter, I am of the considered view that the petitioner is entitled to the concession of bail.

The petition accordingly is allowed. Petitioner be released on bail during the trial subject to the satisfaction of the trial Court/Duty Magistrate, Tarn Taran.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

05.01.2016
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