

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

***CRM No.M-6999 of 2016 (O&M)
Date of Decision: 08.04.2016***

Sukhpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Kamaljeet Singh Sidhu, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.193 dated 03.11.2015, under Sections 21/25/61/85 of the NDPS Act, registered at Police Station Ghall Khurd, District Ferozepur.

As per prosecution version, the alleged recovery effected from the petitioner is of 260 grams of heroin.

Such quantity would be construed as marginally over and above the commercial quantity.

Even though, prayer made in the petition is opposed on the ground that petitioner is a habitual offender and is involved in four other cases under the NDPS Act, yet it stands conceded that in three of the cases, petitioner had already earned acquittal and in one case in which recovery was of 5 kgs. of poppy husk and in which he was convicted, petitioner has already undergone the sentence.

Petitioner has been in custody since 03.11.2015.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ferozepur.

Disposed of.

08.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**