

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

CRM No. M-8210 of 2016 (O&M)

Decided on: 08.07.2016.

Sanjay Kumar @ Sanju

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. S.S. Gill, Advocate,
for the petitioner.

Mr. Saurav Mohunta, DAG, Haryana.

JITENDRA CHAUHAN.J.(ORAL)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No. 782 dated 16.10.2015, registered under Section 17 of the NDPS Act, at Police Station Sirsa City, District Sirsa.

Learned counsel for the petitioner states that the quantity allegedly recovered from the petitioner i.e. 250 kg of opium is non-commercial. The accused was pillion rider along with co-accused Mukesh Kumar and Dinesh who have already been admitted to bail by this Court.

On the other hand, learned State counsel refers to the table attached to the NDPS Act and states that the quantity effected from the petitioner falls under 'commercial quantity'.

I have heard learned counsel for the parties and perused the record.

Whether the quantity is commercial or not is a debatable issue which shall be determined by the trial Court. The petitioner is in custody since 16.10.2015. Out of 15 witnesses, none has so far been examined, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

08.07.2016
SN

(JITENDRA CHAUHAN)
JUDGE