

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

**CRM-M-10230-2017 (O&M)
Date of Decision: 26.04.2017**

Avtar Singh

... Petitioner

Versus

Narcotic Control Bureau Zonal Unit, Chandigarh

... Respondent

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

Present:- Mr. ADS Sukhija, Advocate for the petitioner.

Mr. D.D. Sharma, Advocate for NCB/respondent.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case NCB Crime No.34, dated 11.08.2016, under Sections 8/18/29/60/61 of the NDPS Act, registered at Police Station NCB, Chandigarh.

Counsel for the parties have been heard.

As per prosecution version, an alleged recovery of 2.700 kgs. of opium was effected from the petitioner and co-accused, Satish Kumar.

Petitioner was arrested on 11.08.2016.

Investigation in the case is complete, challan stands presented and charges have been framed.

Mr. D.D. Sharma, Advocate representing the Narcotic Control Bureau would apprise the Court that prosecution evidence is yet to be led. Trial, as such, would take time to conclude.

It is the contention raised by counsel appearing for the petitioner that even though the recovery memo records 2.700 kgs. of opium but in the

arrest memo of the petitioner as also co-accused, the recovery is of 1.470 kgs. opium each.

Going as per arrest memo, the recovery from the petitioner would be seen as non-commercial. Even if joint recovery is to be seen, the same would be marginally over and above the commercial quantity.

Petitioner is stated to be not involved in any other case under the NDPS Act.

In the totality of circumstances and 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 satisfaction of the trial Court/Duty Magistrate, Chandigarh.

Disposed of.

26.04.2017

Harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |