

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

CRM No.M-1216 of 2017 (O&M)

Date of decision: January 23, 2017

Joseph James

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Varinder Chhibbar, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner-Joseph James has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.137 dated 10.06.2016, registered at Police Station Civil Lines, Patiala, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion has been issued in this case.

On asking of the Court, Mr. Deep Singh, Asstt. Advocate General, Punjab, has accepted notice on behalf of the respondent-State and contested this petition. Police record produced by the learned State counsel has also been perused.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner argues that as per prosecution version 255 grams heroin has been recovered from the petitioner i.e. 5 grams more than the commercial quantity. I have seen the police record specially the *rukka*, according to which, this heroin has been

weighed along with the envelope. The weight of 255 grams also includes the weight of this envelope, which means that the recovery effected from the present petitioner falls in non-commercial quantity.

The petitioner is in judicial custody since 10.06.2016. He is not required for any investigation or interrogation purposes as he is in judicial custody. Nothing is to be recovered from him. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

January 23, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No