

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

CRM-M-13519 of 2017 (O&M)

Date of decision: 03.05.2017

Dilbag Singh @ Baga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

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 FIR No. 56 dated 10.08.2016, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Arniwala, District Fazilka.

It is contended that the recovery was not effected from the conscious possession of the petitioner. Though as per FIR, the petitioner was riding the motorcycle at the relevant point of time, however, he is not the owner of the vehicle. The pillion rider, namely Jaspreet Singh has been allowed bail on the ground that the recovery was not effected from his conscious possession. The petitioner is not involved in any other FIR and he is in custody since 10.08.2016.

On the other hand, the learned State counsel opposes the

prayer of bail application.

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

Considering the fact that the recovery was not effected from the conscious possession of the petitioner; he is not involved in any other FIR ; the challan stands presented; charges have been framed, however, out of total 06 PWs, none has been examined so far; the conclusion of trial will take a long time, 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.

03.05.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No