

CRM No. M-25692 of 2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-25692 of 2017
Date of Decision : 26.10.2017

Sita Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. L.S. Sekhon, Advocate for
Mr. Vikas Bishnoi, Advocate for the petitioner.

Ms. Seena Mand, Deputy Advocate General, Punjab.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking regular bail in FIR No. 363 dated 15.10.2016, under Sections 18/61/85 of NDPS Act, registered at Police Station City Sangrur, District Sangrur.

Learned counsel for the petitioner contends that 2 kg. and 600 grams of Opium has allegedly recovered from the petitioner, which is marginally higher than the commercial quantity. He further contends that the petitioner is in custody for over a year since the date of his arrest on 15.10.2016. He has also relied upon judgments of Coordinate Benches of this Court in the cases of ***Vadhawa Ram Vs. State of Punjab***, CRM No. M-24344 of 2014, decided on 22.08.2014 and ***Kamlesh Vs. State of Punjab***, CRM No. M-14029 of 2015, decided on 06.05.2015, wherein the petitioners therein were found in possession of 2 kg. and 600 grams of Opium and as the quantity was marginally

higher than the commercial quantity of 2 kg. 500 grams, they were granted regular bail after they had put in 05 months and 09 months in custody respectively.

Learned State counsel, however, contends that the petitioner has been found in possession of 2 kg. and 600 grams of Opium, which is a commercial quantity.

Heard.

The petitioner is in custody for over a year. The quantity of Opium recovered from him is marginally higher than threshold of commercial quantity. The conclusion of the trial is likely to take sometime. It would be appropriate if the petitioner is granted the concession of regular bail.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner, namely, Sita Ram is ordered to be released on regular bail on his furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate.

October 26, 2017
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(ANUPINDER SINGH GREWAL)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>