

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

**CRM No.M-32331 of 2017
Decided on: 06.09.2017**

Sarafat

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Naveen Kaushik, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.588 dated 02.07.2017, for offence punishable under Section 16 of the Narcotic Drugs and Psychotropic Substances Act, 1881 (in short 'the Act') registered in Police Station Chandni Bagh, Panipat.

Counsel for the petitioner has submitted that recovery of poppy husk from the petitioner is of small quantity i.e. 4.800 Kgs. and the petitioner is in judicial custody since 02.07.2017. It is further submitted that challan has already been presented and the petitioner is no more required for any further custodial interrogation. Counsel for the petitioner has further referred to the FIR to contend that it is a moot point whether, while conducting the search provisions of Section 50 of the Act were complied with or not. It is also submitted that the petitioner is not involved in any other case except the present FIR and conclusion of the trial will take long time.

Counsel for the State, on instructions from ASI Sukhan Pal, has not disputed the factual assertions but opposed the prayer for bail. He has further submitted that if the petitioner is released on bail, he may again indulge in such or similar activity.

Without meaning to express any opinion on merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

06.09.2017
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No