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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32506-2017

Date of Decision:- September 07, 2017

Aashkaran alias Aanshu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Mr. Satish Saini, DAG, Haryana
for the respondent State.

SHEKHER DHAWAN, J.

Present petition under Section 439 Cr. P.C., for grant of regular bail in case bearing FIR No.107 dated 05.07.2017 registered under Sections 21-B and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act"), at Police Station Odhan, District Sirsa.

2 As per the prosecution case, on 05.07.2017, 10 bottles of OBEREX, Codeine Phosphate & Tripodine (100 ml. each) were recovered from the possession of Pawan Kumar, co-accused and subsequently, Pawan Kumar disclosed that he had bought the bottles from the present petitioner, namely, Aashkaran alias Aanshu and the petitioner was arrested on 07.07.2017 in this case.

3 Learned counsel for the petitioner contended that the petitioner is in custody since 07.07.2017. No recovery was effected from the possession of the petitioner and he has been implicated merely on the

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ground that Pawan Kumar, the main accused had disclosed his name. The petitioner is not involved in any other such case and the decision of the case still to take some more time. So he be released on bail.

4. Learned State counsel while opposing the present application submitted that at this stage, there is no ground to release the petitioner on bail.

5. Having considered the submissions made by learned counsel for the parties and the fact that, recovery of 10 bottles of OBEREX, Codeine Phosphate & Tripodine (100 ml. each) was effected from the possession of Pawan Kumar and no recovery was effected from the present petitioner; the petitioner is not involved in any other case under the Act; he is in custody since 7.7.2017; and decision of the case still to take some more time, the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Area Magistrate, Sirsa.

The petition stands allowed.

September 07, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes
No