

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-34502 of 2017

Date of Decision: 31.10.2017

Gopal Verma @ Gopi

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vikasdeep Singh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.130 dated 30.06.2017 under Section 22 NDPS Act registered at Police Station Maqsudan, Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he was found in possession of 120 grams of heroin, which falls in non-commercial quantity. There is no other case against the petitioner and he is in custody since 30.6.2017. Even as against the total 8 witnesses cited by the prosecution, only 2 witnesses have been examined so far and the trial

in the case will take long time. The petitioner, therefore, deserves to be extended the concession of bail.

On the other hand, learned State counsel does not dispute the contentions raised on behalf of the petitioner, however, he submits that since the alleged contraband recovered from the petitioner is 120 grams of heroin, the petitioner does not deserve to be released on bail.

I have heard learned counsel for the parties.

The alleged recovery made from the possession of the petitioner is 120 grams of heroin, which falls in non-commercial quantity. No other case has been pointed out against the petitioner. Even as against the total 8 witnesses cited by the prosecution, only 2 witnesses have been examined so far. The petitioner he is in custody since 30.6.2017. Considering the fact that trial in the case will take long time, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

Needless to say that the observations made hereinabove shall not be construed as any expression on the merits of the case.

October 31, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No