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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34525-2017
Date of Decision :04.10.2017

Raju alias Babu Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Munish Sharma, Addl. Advocate General, Haryana.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner-Raju alias Babu Khan in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR no.124 dated 15.05.2017 registered at Police Station Dabwali Sadar, District Sirsa under Section 21-C/61/85 of the NDPS Act are that on 15.05.2017 from the possession of accused/non-applicants-Jaila and Sukhpal, who were travelling in Tata Magic vehicle bearing No.RJ-31UE-2858, 29 vials containing “Codeine Phosphate and Triprolidine Hydrochloride Syrup Win Cerex” bottles were received and on the basis of their disclosure statement the present petitioner has been implicated.

Learned counsel for the petitioner has contended that nothing has been recovered from the possession of the petitioner nor there is any semblance of evidence against the petitioner except the disclosure statement of his co-accused.

Though, the factual scenario is readily accepted by the learned

State counsel, however, he has sought to oppose the grant of bail to the petitioner on the ground of recovery of commercial quantity of contraband.

Appreciating the submissions and keeping in view that the only semblance of evidence against the petitioner is disclosure statement of his co-accused, acceptability and legality of which piece of evidence is a debatable issue and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

October 04, 2017

Sunil Devi

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