

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

CRM-M-35092-2017

Date of Decision:25.09.2017

Rajesh

.....PETITIONER

Vs.

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.D.N.Ganeriwala, Advocate for the petitioner.

Mr.Manish Bansal, DAG, Haryana.

MAHABIR SINGH SINDHU J.(Oral)

By virtue of the instant petition preferred under Section 439 of Code of Criminal Procedure, petitioner has sought regular bail in case bearing FIR No.63, dated 01.05.2017 registered under Sections 15/16/27-A of the NDPS Act, 1985, at Police Station Ding, District Sirsa.

It is contended by learned counsel for the petitioner that the alleged recovery of contraband from the petitioner is only 51 kgs of poppy husk including the weight of three bags and as such the alleged contraband will come down to less than 50 kgs. It is also contended that there is no other case pending against the petitioner under the provisions of the NDPS Act.

Be that as it may, as a matter of fact petitioner is in custody since 01.05.2017 and the charges are yet to be framed due to non-receipt of the FSL report and thus trial is not likely to be concluded in near future.

In view of the above, without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa.

**(MAHABIR SINGH SINDHU)
JUDGE**

25.09.2017

Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No