

CRM-M-44775 of 2016**Date of decision: 15.02.2017****Sandeep Kumar**

... Petitioner

VS.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. B. S. Makar, Advocate with
Mr. Devender Singh, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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DEEPAK SIBAL, J.(ORAL)

Through the present petition filed under Section 439 Cr. P. C., the petitioner seeks regular bail in FIR No.66, dated 30.07.2014, registered under Sections 18/ 29/ 61/ 85 of NDPS Act at Police Station Tapa, District Barnala.

The petitioner along with four other persons was allegedly traveling in a car and on being apprehended, 3 kgs of opium was recovered from the car. The FIR in the present case was registered on the basis of secret information.

Learned counsel for the petitioner submits that the culpability of the petitioner in the joint possession of the opium, will be debatable at the trial; the period of custody of the petitioner is more than 2 ½ years; four more witnesses are yet to be examined and therefore the trial is not likely to conclude in the near future and that Sandeep Kumar who had been attributed the same role as the petitioner has already been granted the concession of regular bail by this Court vide order dated 24.10.2016 passed

in CRM-M-33853 of 2016.

Learned counsel for the State opposes the grant of bail on the ground of that commercial quantity of narcotics have been recovered from the petitioner.

In view of the fact that Sandeep Kumar who is attributed a similar role as the petitioner and has already been admitted to regular bail by this Court; the petitioner has already been in custody more than 2 ½ years; the trial is not likely to conclude in the near future and the culpability of the petitioner in the case of joint possession being debatable, in my opinion, the petitioner is entitled to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court, subject to the condition that he will not commit similar offence of which he is accused of, during the entire period of trial. In case of any such eventuality, it will be open to the prosecution agency to seek cancellation of bail.

The petition stands allowed in the above terms.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

February 15, 2017
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(Deepak Sibal)
Judge

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No