

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-44940 of 2016 (O&M)
Date of Decision: 09.03.2017

Deepak Kumar @ Bugga

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Pradeep Panwar, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.83 dated 29.4.2016 under sections 15, 61, 85 of N.D.P.S Act, registered at Police Station, Sahnewal, District Ludhiana.

Learned counsel for the parties have been heard.

As per prosecution version, an alleged recovery of 56 kgs of poppy husk was effected from the present petitioner as also co-accused Neela Ram @ Hira Lal.

The alleged recovery that has been effected from both the accused would be construed as marginally over and above the commercial quantity.

Petitioner has faced incarceration since 29.4.2016.

Investigation in the case already stands concluded and challan has been presented.

It has gone uncontroverted that co-accused Neela Ram and against whom there were identical allegations, has been granted benefit of bail by a Coordinate Bench of this Court in the light of order dated

8.11.2016 passed in CRM No. M-37235 of 2016.

Even though, the present petition has been opposed by learned State counsel by submitting that the petitioner is a habitual offender and is involved in two other cases under the N.D.P.S Act, yet, the conceded position is that in one of the cases the petitioner has already earned acquittal and in the other case he has secured the concession of bail.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Ludhiana.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.03.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No