

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M-44296-2017

Date of Decision:14.12.2017

Bhupinder Singh @ Bhinda

.....Petitioner

Versus

State of Punjab

.....Respondent

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

**Present: Mr. Charanpreet Singh, Advocate for
Mr. C.L.Verma, Advocate,
for the petitioner.**

Mr. Bhupender Beniwal, A.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0178 dated 03.06.2017 under Sections 18/25/28/29/61/85 of the NDPS Act, registered at Police Station Sadar Jagraon, District Ludhiana.

Learned counsel for the petitioner states that the allegation against the petitioner is recovery of 2 kg. 650 grams of opium, which is marginally higher than the non-commercial quantity i.e. 2.5 kgs. He further states that the petitioner is in custody since 13.06.2017 and there is no other case pending against him. He has placed reliance on the order dated 28.09.2015 passed in CRM-M-32519-2015 (Atma Ram Versus State of Punjab), to contend that in similar circumstances, where the accused was found in possession of 2.6 kgs. of opium, this Court had admitted the petitioner therein on bail.

Learned State Counsel has filed the custody certificate of the petitioner in court today, which is taken on record and on instructions from ASI Gursewak Singh, does not dispute the custody period of the petitioner.

Having heard learned counsel for the parties and considering the fact that the petitioner is in custody since 13.06.2017, coupled with the fact that trial is likely to take some time and noticing the fact that the alleged recovery of contraband is marginally higher than the non-commercial quantity, this Court is of the opinion that the petitioner deserves the concession of 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/Duty Magistrate, Ludhiana.

The trial court may put any other condition as may deem fit in the peculiar facts and circumstances of the case.

December 14, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No