

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

CRM-M-7293-2017 (O&M)
Date of decision: 08.03.2017

MANOJ KUMAR

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Dinesh Mahajan, Advocate for the petitioner (s).

Mr. Luvinder Sofat, AAG, Punjab

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.77 dated 26.10.2016, registered under Sections 21 and 22 of NDPS Act, at Police Station Shahpur Kandi, Pathankot.

Contentends that the quantity in the present case is less than the commercial quantity. Even as per the case of the prosecution 250 g. of heroin has been recovered, whereas the commercial quantity starts from above 250 g. He further states that it is less than the commercial quantity as the weight of the polythene has been included. The petitioner is in custody since 26.10.2016. He is not involved in any other FIR.

On the other hand, the learned State counsel vehemently opposes the present petition and informs that challan has been filed.

However, he fairly admits that the petitioner is not involved in any other FIR.

Heard.

Considering the facts that the petitioner is in custody since 26.10.2016; he is not involved in any other FIR; challan has been filed; towards the weight of the alleged contraband, weight of the polythene has also been included, therefore, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

08.03.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No