

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

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**CRM-M-7965-2017 (O&M)
DATE OF DECISION:12.10.2017**

BABU RAM

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl.A.G., Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 41, dated 11.10.2016, under Sections 18/61/85 of NDPS Act, registered at Police Station Sadik, District Faridkot.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 02 kg 600 gm of opium has been recovered from him. He further states that it is possible that if the weight of the bag is reduced then the quantity may not fall within the commercial quantity. He also contends that the petitioner is not involved in any other case. Learned counsel also submits that he has instructions to undertake before this Court that the petitioner would not be found indulging in any criminal activity if he is granted bail in this case. Learned counsel further contends that the petitioner is in custody for over 01 year since the date of his arrest on 11.10.2016.

Learned State counsel, upon instructions from ASI Kuldeep Singh, states that 01 out of 14 prosecution witnesses has been examined in the case.

Heard.

The recovery which has been effected from the petitioner is marginally higher than the prescribed commercial quantity. He is not involved in any other case. Only 01 out of 14 prosecution witnesses has been examined and the conclusion of the trial is likely to take some time. He is in custody for over a year. Therefore, I deem it a fit case to grant concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner, namely, Babu Ram is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that in case the petitioner is found to be indulged in any criminal activity while on bail, the State shall be at liberty to file a petition before this Court to seek cancellation of the bail granted through this order.

12.10.2017*SwarnjitS***(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No