

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

CRM-M-11987 of 2018
Date of Decision:09.05.2018

Mustak DarPetitioner

Versus

State of PunjabRespondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case First Information Report No. 19 dated 14.02.2017, under Sections 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') registered at Police Station Sadar, Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner submits that the alleged recovery of the contraband effected from the petitioner is 24 kg of Poppy Husk, which was non-commercial quantity. It is further contended that the petitioner is in custody since 14.02.2017 and there are total 11 prosecution witnesses, out of them only 4 have been examined.

The above factual position is duly acknowledged by learned State counsel on instructions from ASI Lal Singh.

Heard learned counsel for the parties and perused the paper

book.

Undisputedly, there is no other case pending under the provision of NDPS Act against the petitioner. Keeping in view the fact that recovery is non-commercial and there are total 11 PW's out of them only 4 have been examined. The trial is likely to take a long time to be concluded, as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Mustak Dar be admitted to bail on his furnishing bail bonds and heavy surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

[MAHABIR SINGH SINDHU]
JUDGE

May 09, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no