

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 12751 of 2018
Date of Decision: 02.04.2018

Yogeshwar Kumar alias Pankaj

...Petitioner

Vs

State of Punjab

...Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.G.S. Verma , Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.264 dated 12.07.2017 registered under Section 18/61/85 of NDPS Act at Police Station GRP, Ludhiana.

As per allegations in the FIR, 2 Kg 600 grams of opium was recovered from the petitioner without their being any licence/permit.

Learned counsel for the petitioner submits that the alleged recovery is marginally above than the quantity fixed for commercial. The story pre-pounded by the petitioner with regard to his association with Aditya Kumar travelling in the same train from where unattended bag was recovered would be tested by the trial Court on the basis of defence to be taken by the petitioner during trial.

Learned counsel relied upon **Shinda Vs. State of Punjab,**

2013 (3) RCR (Criminal) 557 and Lakhwinder Singh @ Bittu vs State of Punjab, 2012 (22) RCR (Criminal) 301 to contend that in case of the contraband being marginally above then the prescribed limit, the petitioner can be considered for grant of regular bail.

The aforesaid statement of facts has not been disputed by the learned State Counsel on instructions from ASI Kailash Chand.

Apparently, the petitioner is not involved in any other case as per admission of the Investigating Officer. The petitioner is in custody since 14th July 2017. Challan has already been presented. FSL report has been received. Three prosecution witnesses out of eight witnesses have been examined.

In view of the above, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 02, 2018.
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(RAJ MOHAN SINGH)
JUDGE

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