

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13781-2018

Date of decision: 16.04.2018

Rajesh Kumar @ Ricky

.... Petitioner

V/s

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Bhatti, Advocate, for the petitioner.

Mr. A.A. Pathak, Addl.A.G., Punjab.

Rajan Gupta, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. seeking regular bail to the petitioner in a case FIR No.237 dated 28.12.2014 registered under Sections 22/61/85 of NDPS Act at Police Station Laddowal, Ludhiana, District Ludhiana.

Learned counsel contends that petitioner is incarcerated since 18th January, 2018. Contraband recovered from him is 50 Grams of intoxicating powder.

Stand of the State is that petitioner earlier absconded and was declared a proclaimed offender vide order dated 5th January, 2018. It has been urged before the court that quantity above 50 Grams can be considered commercial in nature. This argument appears to be plausible and needs consideration.

Keeping in view the period of incarceration and the facts and circumstances of the case, this court feels that petitioner deserves to be enlarged on bail. However, as petitioner earlier absconded, the trial court shall be at liberty to impose such conditions on him as it deems necessary.

April 16, 2018

sukhpreet

**(RAJAN GUPTA)
JUDGE**

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