

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

CRM-M No.17982 of 2018
DATE OF DECISION:16.05.2018

Rajat @ Harman

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Kushaldeep S. Sandhu, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional AG, Punjab.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.244, dated 16.11.2017, registered under Sections 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No.6, District Police Commissionerate Ludhiana (Annexure P-1).

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and alleged recovery has falsely been planted upon him. Learned counsel also submits that nothing is to be recovered from the petitioner and alleged recovery is marginally more than the non-commercial quantity. At the end learned counsel for the petitioner submits that there is delay in sending the sample to the Chemical Examiner for analysis. Petitioner is in custody since 16.11.2017. All witnesses are official witnesses and there is no possibility that petitioner may

influences the witnesses or tamper with the evidence. Learned counsel for the petitioner also submits that there is no other case of NDPS Act pending against him.

Learned State counsel has not disputed the custody period as well as stage of the trial but he has opposed the submissions made by learned counsel for the petitioner only on the ground of commercial quantity and the provisions as provided under Section 37 of NDPS Act.

Heard arguments of learned counsel for the petitioner and have also perused the contents of the FIR.

The alleged recovery is 58 kg of poppy husk which is marginally more than non-commercial quantity. All witnesses are official witnesses who can not be influenced by the petitioner except the one i.e. photographer and there is no other case of NDPS Act pending against him, the petition is allowed and the petitioner namely Rajat @ Harman is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

It is made clear that in case the petitioner is found to be involved in some other case of similar nature, the State is at liberty to move an application for cancellation of bail granted to the petitioner.

16.05.2018
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(DAYA CHAUDHARY)
JUDGE

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