

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

CRM-M-18566 of 2018
Date of Decision:08.05.2018

Azuka IgboanugoPetitioner

Versus

State of PunjabRespondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Mr. H.S. Sandhu, AAG, 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. 105 dated 06.11.2017, under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') registered at Police Station Anandpur Sahib, District Rupnagar.

Learned counsel for the petitioner submits that the alleged recovery of the contraband effected from the petitioner is 100 grams of Diacetylmorphine (Heroin), which was non-commercial quantity. It is further contended that the petitioner is in custody since 06.11.2017 and even the charges were framed on 11.04.2018. It is also submitted that there are total 12 prosecution witnesses, but none has been examined till date.

The above factual position is duly acknowledged by learned

State counsel on instructions from ASI Mohinder Pal.

Heard learned counsel for the parties and perused the paper book.

Undisputedly, there is no other criminal case pending against the petitioner except the present one. Keeping in view the fact that recovery is non-commercial as per the entry No.56 of the Table under Section 2 of the NDPS Act and charges were framed on 11.04.2018. There are total 12 PW's but none has been examined till date. 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-Azuka Igboanugo be admitted to bail on his furnishing bail bonds and heavy surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, it is made clear that the petitioner shall not leave India without the prior permission of this Court and his passport be also retained by learned trial Court in the safe custody.

Learned Trial Court is requested to expedite the trial.

[MAHABIR SINGH SINDHU]
JUDGE

May 08, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no