

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

CRM-M No.23810 of 2018
DATE OF DECISION:02.07.2018

Chukwubike

...Petitioner

Vs.

State of Punjab

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ashok Giri, Advocate
 for the petitioner.

Mr. Rahul Rathore, DAG, 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.15, dated 30.04.2018, registered under Sections 21/ 29/ 61/ 85 of the NDPS Act and Section 14 of the Foreigners Act, 1946, at Police Station Special Task Force Phase-4, SAS Nagar Mohali.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the case and submits that the alleged recovery is 250 grams of heroin which is non-commercial as per Section 2(viia) of NDPS Act. Learned counsel submits that the bail application filed by petitioner has been rejected only on the ground that the applicant is a foreigner and in case he is released on bail it would be difficult to procure his presence during trial. There is no other case against the petitioner and petitioner is ready to surrender his passport and to furnish the local surety

to the satisfaction of the trial Court. Petitioner also undertakes to appear before the trial Court as and when required. Petitioner is in custody since 30.04.2018.

Learned State counsel has not disputed the recovery as well as the custody period.

Heard arguments of learned counsel for the petitioner as well as learned State counsel.

The alleged recovery is 250 grams of heroin which falls in the category of non-commercial. There is no other case pending against the petitioner and he is ready to furnish the local surety and to appear before the trial Court as and when required. Nothing is to be recovered from him. The provisions of Section 14 of the Foreigners Act, 1946 is not applicable in the present case.

Accordingly, while considering the submissions made by learned counsel for the petitioner, the present petition is allowed and petitioner is directed to be released on regular bail to the satisfaction of the trial Court on furnishing local surety and subject to the condition that he will surrender passport before the trial Court.

02.07.2018
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(DAYA CHAUDHARY)
JUDGE

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