

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

CRM No.M-24531 of 2018 (O&M)

Date of Decision: August 08, 2018

Ramavtar and another

...Petitioners

VERSUS

Narcotic Control Bureau, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Manuj Nagrath, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail in case crime No.3 dated 21.01.2018 under Sections 8, 19 and 29 of the NDPS Act, registered at Police Station Narcotic Control Bureau, Chandigarh.

Notice of motion.

Mr.D.D.Sharma, Advocate, has put in appearance on behalf of the respondent-NCB and contested the petition.

I have heard learned counsel for the petitioners as well as learned counsel for the respondent and have gone through the record.

As per prosecution version, three accused were apprehended by the Narcotics Bureau. From accused Ramavtar, 340 grams of opium was recovered, whereas from Sugarpal, 460 grams of opium was recovered. As

per the allegations, these accused persons were not on vehicle, rather,

arrested in the street while going on foot. The recovery from petitioner Ramavtar is only 340 grams of opium regarding which separate proceedings were conducted and separate parcel and sample were prepared, which is clear from the report of FSL. Similarly, qua Sugarpal, the recovery has been shown separate and separate sample parcel was sent separately to the FSL. The recovery from the present petitioners falls under non-commercial quantity.

From third accused Rakesh Kumar, who is not petitioner in this case, commercial quantity of opium has been recovered, regarding which, separate sample parcel was sent to the FSL.

The petitioners have been in custody since 21.01.2018. They are not required for investigation or interrogation purposes as they are in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioners in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount each to the satisfaction of the trial Court/Duty Magistrate.

August 08, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No