

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

CRM-M-28332-2018 (O&M)
Date of decision : 29.08.2018

Inderjit Singh @ Ravi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Imran Farooqi, Advocate for the petitioner.

Ms. Deepali Puri, Addl.A.G., Punjab
assisted by ASI Labh Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant third petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.76 dated 03.11.2015, registered under Sections 15, 25 and 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at P.S. City I, Mansa.

Contents that allegedly, 160 kg of poppy husk was recovered from the boot of the car in question wherein, the petitioner is alleged to have been occupying the rear seat. The alleged recovery was not effected from the conscious possession of the petitioner as he took lift in the car. He is not previously known to either the driver or the owner of the vehicle. He is not involved in any other FIR. All the material witnesses including the I.O. stand examined.

On the other hand, learned State counsel submits that the quantity recovered from the petitioner falls under the category of 'commercial quantity'. The trial is in progress and out of eight prosecution witnesses, five have been examined.

This Court is well aware of the fact that it is the third petition

moved by the petitioner under Section 439 Cr.P.C.; the first was filed jointly, the second was dismissed as withdrawn as incorrect particulars were submitted.

Heard.

The petitioner is not involved in any other FIR. Out of 8 prosecution witnesses, only 5 have been examined so far, thus, it can safely be inferred that the conclusion of trial may take considerable time. The material witnesses have already been examined. The petitioner is in custody since 03.11.2015. Therefore, this Court feels that no useful purpose would be achieved in keeping the petitioner in further incarceration.

Keeping in view the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.08.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No