

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-2955 of 2018

Date of Decision: July 24, 2018

Satish Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Nitin Neel, Advocate
for the petitioner

Mr. M.D. Sharma, AAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 450 dated 04.10.2016 under Section 21 of the NDPS Act, 1985, registered at Police Station City Tohana, District Fatehabad.

2. According to the contents of the FIR, the police stopped a motor cycle on the basis of suspicion. The petitioner was seated in between two other co-accused. From the possession of the person seated behind the petitioner, commercial quantity of Diphenoxylate Hydrochloride was recovered.

3. Learned senior counsel for the petitioner submits that the petitioner has been in custody since 04.10.2016 and that the investigation is complete but the trial may take some time as out of 16 PWs only 3 have been examined till now. He further submits that the petitioner was not in possession of the contraband. There is no other case pending against the petitioner and, therefore, he be granted the concession of regular bail.

4. Learned State counsel, however, opposes the prayer on the ground that commercial quantity of contraband has been recovered and that the co-accused has suffered a statement that the petitioner was also involved in the business of sale of drugs. It is further submitted that the petitioner was involved in another case under the NDPS Act, 1985 though he has been acquitted therein.

5. Keeping in view the fact that as on date there is no criminal case pending against the petitioner as well as the fact the trial is not likely to be concluded at an early date, no useful purpose would be served by keeping the petitioner in custody indefinitely.

6. The petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court. The prosecution shall, however, be at liberty to seek cancellation of bail in case the petitioner is found to be involved in any other case under the NDPS Act.

July 24, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No