

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M- 30414 of 2018 (O&M)

Date of Decision: 25.07.2018

Dharampal @ Pali

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Jimmy Singla, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No.239 dated 12.12.2017, registered for the offences punishable under Section 15 of the NDPS Act, at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Heard.

Learned counsel for petitioner submits that the petitioner has been falsely implicated in this case. Co-accused have already been granted concession of regular bail by the learned trial Court.

As per allegation in the FIR, 25 Kgs. poppy husk was recovered from the possession of the three persons.

The recovery falls under the non-commercial quantity. Petitioner has been in custody since 24.04.2018. Petitioner is not involved in any other case under the NDPS Act.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner- Dharampal @ Pali is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

25.07.2018

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**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No