

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-33092 of 2018
Date of Decision: 08.08.2018

Ajay Kumar and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Bhateja, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.95 dated 17.06.2018 registered for the offence punishable under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

Heard.

As per case of prosecution, three persons were apprehended and recovery of 8 kgs. of Ganja each was effected from their possession.

The moot question before the trial Court will be to ascertain as to whether each of the accused was in conscious possession of 24 kgs. of Ganja or 8 kgs. of Ganja, which was recovered from each of them.

Leaving the aforesaid question to be decided by the trial Court and without expressing any opinion on merits of the case, the present petition is allowed. Petitioners, namely, Ajay Kumar and Deepu Kumar are ordered to be released on regular bail on furnishing bail bonds and surety

bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

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- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn.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

August 08, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No