

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(i) Criminal Misc. No.M-37103 of 2018 (O&M)

Muddessar Hussain Butt

... Petitioner

Versus

State of Punjab

... Respondent

(ii) Criminal Misc. No.M-37125 of 2018 (O&M)

Aamir Hussain

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision : 31.08.2018

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. S.K.Choudhary, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

This order shall dispose of Criminal Misc.No.M-37103 of 2018, filed by petitioner Muddessar Hussain and Criminal Misc.No.M-37125 of 2018, filed by petitioner Aamir Hussain, under Section 439 Cr.P.C. for grant of regular bail in case FIR No.32 dated 19.04.2018, registered under Sections 20 and 29 of the Narcotic Drugs & Psychotropic Substances Act, at Police Station Sujampur, District Pathankot.

Learned State counsel states that the report of Forensic Science Laboratory has not been received. It is not clear whether recovered material

falls within the ambit of NDPS Act.

Without expressing any opinion on merits of the case and keeping in view that the report of Forensic Science Laboratory is not received, the petitioners are ordered to be released on bail, till the presentation of the report of Forensic Science Laboratory, on furnishing bail bonds and surety bonds to the satisfaction of concerned Illaqa/Duty Magistrate, subject to following terms:-

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- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn.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

However, it is made clear that if the recovered material is found to be falls within commercial quantity, then both the petitioners are directed to surrender before the learned trial court/Duty Magistrate.

Both the petition stands disposed of accordingly.

31.08.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No