

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

**CRM No.M-37356 of 2017  
Decided on: 15.01.2018**

Ompal

....Petitioner

Versus

Narcotics Control Bureau, Chandigarh Zonal Unit, Chandigarh

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. S.K. Agnihotri, Advocate for the petitioner.

Mr. D.D. Sharma, Advocate  
for Narcotics Control Bureau (NCB).

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in NCB Crime No.15/2017 dated 06.03.2017, for offence punishable under Sections 8 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered by Narcotics Control Bureau, Chandigarh Zonal Unit, Sector 25(W), Chandigarh.

Counsel for the petitioner has submitted that the recovery is 2.520 Kgs of opium and the petitioner is in judicial custody since 06.03.2017.

Counsel for the NCB has opposed the bail on the ground that the petitioner is a resident of Uttar Pradesh (U.P.) and he may abscond the Court proceedings, in case he has been granted bail.

In reply, counsel for the petitioner has relied upon the order dated 12.10.2017 passed in CRM-M No.7965 of 2017 titled as

'Babu Ram vs State of Punjab' wherein this Court has granted bail to a person who is not involved in any other case and the trial was at the initial stage and the recovery was slightly higher than the non-commercial quantity. It is further submitted that weight of the contraband has been taken including the weight of the bag and, thus, the actual weight would be lesser than the alleged quantity.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody since 05.02.2017 and no evidence has been recorded so far, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bonds and 02 heavy sureties to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

15.01.2018  
*yakub*

(ARVIND SINGH SANGWAN)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable:       | Yes/No |