

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARHSr. No.206**CRM-M-40443-2017****Date of decision : 09.01.2018**

Chukwudi

..... Petitioner

VERSUS

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Ahluwalia, Advocate, for the petitioner.

Mr. Gautam Kaile, Advocate, for U.T., Chandigarh.

SUDHIR MITTAL, J. (Oral)

Learned counsel for the petitioner contends that the quantity recovered from the petitioner is non-commercial/small quantity and therefore, the rigour of Section 37 of the NDPS Act, 1985, is not attracted. He further submits that the petitioner has been in custody since 18.03.2017 and the trial may take some time to conclude.

2. Learned counsel for the Union Territory, on the other hand, contends that out of total twelve prosecution witnesses, three have already been examined and the next date of hearing before the trial Court is 11.01.2018.

3. Considering the fact that the recovery effected from the petitioner is small or marginally above small quantity, I deem it appropriate to order the release of the petitioner on bail during the pendency of the trial, on his furnishing bail and surety bonds subject to the satisfaction of the trial Court/special Court concerned.

The petition stands disposed of.

**(SUDHIR MITTAL)
JUDGE****January 09, 2018**

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No