

CRM-M-42339-2017

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

CRM-M-42339-2017

Date of Decision: 04.07.2018

Saraj Ahmed Loan @ Shera Khan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Kartikeya Swaroop Mehta, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Saraj Ahmed Loan @ Shera Khan has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.52 dated 30.04.2017, registered at Police Station Rahon, District Saheed Bhagat Singh Nagar, under Section 21 of the NDPS Act, 1985.

Notice of motion was issued. Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that in the present case, first of all, 265 grams of heroin has been recovered which otherwise falls in

CRM-M-42339-2017

commercial quantity. However, perusal of record shows that heroin was weighed alongwith plastic bag which means 265 grams of heroin includes the weight of plastic bag. Secondly, perusal of the record shows that the heroin has not been weighed on electronic scale, therefore, it can be under non-commercial category.

The petitioner has been in custody since 17.07.2017. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

04.07.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No