

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-44728-2017

Date of decision: January 29, 2018

Ramesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.S. Dhaliwal, Advocate for the petitioner.
Ms. Tanushree, Deputy Advocate General, Haryana.

Rajan Gupta, J.(oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Section 17 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Beri, District Jhajjar, vide FIR No.382 dated 17.09.2017.

In a chance recovery, 410 grams of opium was recovered, which admittedly is a non-commercial quantity. Stand of the petitioner is that the question whether the opium was prepared by the accused and whether Section 17 of the Act would be attracted, can be examined only during the course of trial. Petitioner is stated to be in custody since 17.9.2017.

Heard. Keeping in view the aforesaid contentions, period of incarceration of the petitioner and the fact that the trial may take some time to conclude, I am of the considered view that no useful purpose will be served by detaining the petitioner in custody any longer. Thus, without expressing any opinion on the merits of the case, this petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

January 29, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No