

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

CRM-M-46089-2017
Date of decision: 27.08.2018

Rakesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Harneet Singh Oberoi, Advocate &
Mr. Lokesh Narang, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 289 dated 24.12.2016, registered under Section 22 of the NDPS Act at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner submits that the petitioner is in judicial custody for the last 01 year and 08 months and he is not involved in any other case under the NDPS Act. It is further submitted that out of total 11 prosecution witnesses, only 03 witnesses have been examined so far and it is yet to be decided during the course of trial whether the petitioner was found in conscious possession of the contraband or not.

Learned State counsel filed custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in judicial custody for the last 01 year and 08 months; he is not involved in any other case under the NDPS Act and also in view of the fact that trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two sureties to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

August 27, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No