

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

Hemlata
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CRM-M-47441-2017 (O&M)
Date of decision:10.01.2018

Anil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parvesh Sachdeva, Advocate, for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition under Section 439 Cr. P.C. for grant of regular bail to the petitioner in case FIR No. 93 dated 12.09.2017, under Sections 18/61/85 of NDPS Act, registered at Police Station Bahav Wala, District Fazilka.

Learned counsel for the petitioner submits that the recovery from the petitioner is 2 kg of opium, which is non-commercial quantity and the petitioner is not involved in any other case. It is further submitted that the petitioner is in judicial custody since 12.09.2017; challan has already been presented; charges are yet to be framed and the conclusion of the trial will take long time.

Learned State counsel, on instructions from HC Randhir Singh has not disputed the fact that he is not involved in any other case.

Without commenting on the merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since 12.09.2017; the investigation in this case is complete; charges are yet to be framed and the conclusion of the trial will take long time and also in view of the fact that the recovery from the petitioner is a non-commercial quantity, the petitioner is directed to be released on regular bail

subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/ Illaqa Magistrate.

It is made clear that in case, the petitioner is found to be involved in any other subsequent case under the NDPS Act during the pendency of the appeal, it will be open for the prosecution to move an application for cancellation of bail.

(ARVIND SINGH SANGWAN)
JUDGE

10.01.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No