

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

207

CRM-M-4908-2018

Date of Decision : 03.07.2018

Kallu Rao

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr.Luvinder Sofat, AAG,Punjab.

Mr. D.D.Sharma, Advocate for respondent No.2.

P.B. BAJANTHRI, J.(ORAL)

The petitioner is seeking regular bail under the provision of Section 439 of Cr.P.C. in FIR/Crime Report No. 28 of 2017 dated 21.04.2017, under Sections 8, 18 and 29 of NDPS Act, registered at Police Station NCB Chandigarh

2. Learned counsel for the petitioner contends that on information NCB authorities searched body of the petitioner-Kallu Rao and Narain Singh. Kallu Rao is resident of Rajasthan whereas Narain Singh is resident of Madhya Pradesh. 3.020 Kgs of opium was recovered from Narain Singh and nothing was recovered from Kallu Rao-petitioner. Even though Kallu Rao was accompanying Narain Singh. In other words, there is no recovery of opium from the petitioner-Kallu Rao as is evident from the complainant (para-8).

3. Learned counsel for the respondent-NCB vehemently resisted

the petitioner's grievance in respect of regular bail on the score that petitioner Kallu Rao had admitted the manner and factum of procurement, concealment and recovery of 3.020 Kgs of opium from the joint possession of petitioner and Narain Singh.

4. Heard the learned counsel for the parties.

5. In view of the submissions of learned counsel for the petitioner, especially having regard to the fact that opium was not recovered from the possession of petitioner-Kallu Rao and the fact that petitioner is not involved in any other case, I deem it appropriate to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. Petitioner-Kallu Rao is ordered to be released on regular bail on his furnishing bonds to the satisfaction of trial Court/Duty Magistrate.

03.07.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No