

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53483-2018 (O&M)

Date of decision:10.12.2018

Ajidar Rahaman alias Lal Babu and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioners.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed under Section 439 of Cr.P.C. for seeking bail pending trial in FIR No.61 dated 25.05.2018 for the offences punishable under Sections 18, 25, 26 of NDPS Act, registered at Police Station Dhanaula, District Barnala.

Learned counsel for the petitioners contends that even as per the case of prosecution, the alleged recovery from the petitioners is 500 grams of opium, which is much less than commercial quantity prescribed for this prohibited substance. The petitioners are in custody since 31.05.2018. Challans have already been filed. The investigation of the case is complete and the petitioners are not required for any investigation purposes. There are no other cases against the petitioners. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Manjit Singh, submits that the recovery from the petitioners is very heavy. However, learned State counsel has not disputed the fact that the recovery from the petitioners is of non-commercial quantity. It is also not

disputed that there are no other cases against the petitioners.

In view of the above but without commenting on the merits of the case, the present petition is allowed. Petitioners are granted the concession of bail pending trial. They be released on bail pending trial subject to their furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

10.12.2018
Hemlata

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