

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

CRM-M No.8048 of 2017

Date of decision : 13.07.2018

Naresh Kumar alias Bittu Baba

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. B. S. Jatana, Advocate for
Mr. Vikram Satpaul, Advocate for the petitioner.

Mr. Amit Mehta, Senior D. A. G., Punjab.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed by accused-petitioner Naresh Kumar alias Bittu Baba for grant of regular bail to him in case FIR No.65 dated 18.04.2015 under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – 'NDPS Act') registered at Police Station Kotwali, Kapurthala, Distt. Kapurthala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The provisions of Section 50 of the NDPS Act have not been followed, which are mandatory . The alleged recovery has been shown from the shirt worn by the petitioner, containing 200 grams of intoxicant substance. Learned counsel also submits that out of total 8 prosecution witnesses, only two witnesses have been examined. All

the prosecution witnesses are official witnesses and there is no possibility to tamper with the evidence or to influence the witnesses. The custody period undergone by the petitioner is 2 years and 2 months. There is no other case of NDPS Act against him.

Learned State counsel has not disputed the stage of the trial and custody period undergone by the petitioner but he has opposed the submissions made by learned counsel for the petitioner.

Heard learned counsel for the parties and have also gone through the contents of the FIR and other documents on the file.

Admittedly, the petitioner has undergone actual custody of more than 2 years and 2 months and out of total 8 prosecution witnesses, only 2 witnesses have been examined. Trial may take some time to conclude. There is no other case of NDPS against the petitioner and no purpose would be served by keeping the petitioner in custody.

Accordingly, this petition is allowed and petitioner namely Naresh Kumar alias Bittu Baba is directed to be released on regular bail to the satisfaction of the trial Court.

13.07.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No