

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6552-2018
Date of decision: 26.04.2018

Lekh Raj

... Petitioner

Vs.

Narcotics Control Bureau, Zonal Unit, Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Deipa Singh, Advocate
for the petitioner.

Mr. D.D. Sharma, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in case crime No.49 dated 20.11.2016 under Sections 8, 20, 29, 60 of NDPS Act, registered at Police Station NCB Zonal Unit, Chandigarh.

Learned counsel for the petitioner submits that the petitioner was co-passenger in an Indigo car, from where 3.810 kg of charas was recovered. It is further submitted that the petitioner is in judicial lockup since 20.11.2016 and case is at the stage of recording the prosecution evidence. It is also submitted that driver of the vehicle namely Kishori Lal Rana @ Sanju has been granted the concession of bail vide order dated 20.11.2017 passed in CRM-M-38351-2017 and another co-accused Om Shankar has also been granted bail vide order

dated 31.07.2017 passed in CRM-M-18577-2017.

Learned counsel for the petitioner further submits that thereafter, the complainant Bureau had filed petition for cancellation of bail granted to the aforesaid two co-accused namely Kishori Lal Rana @ Sanju and Om Shankar on the ground that it was wrongly recorded in the orders granting bail to them that 0.970 kg of charas was recovered, whereas the recovery was of 3.810 kg, which fall in the commercial quantity. It is further submitted that said petition for cancellation of bail has already been dismissed by the Coordinate Bench vide order dated 20.04.2018 and copy of the order is placed on record.

Learned counsel appearing for the respondent Bureau has not disputed the fact that petition filed by the Bureau for cancellation of bail stands dismissed.

Without commenting anything on merits of the case, considering the fact that driver of the car has already been granted the concession of bail along with another co-accused Om Shankar and the petitioner is in judicial lockup since 20.11.2016; case is at the stage of recording the prosecution evidence and the petitioner is not involved in any other case, this petition is allowed and the petitioner is directed to be released on bail on furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate subject to the following conditions: -

- (i) *The petitioner shall surrender his passport with the trial Court, if he possesses the same.*
- (ii) *The petitioner shall report to the office of NCB, Zonal Unit, Chandigarh on every Wednesday between 11 am to 4 pm. The NCB shall keep surveillance on the petitioner.*

(iii) Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(iv) In case, the petitioner violates the above said conditions, this order of bail comes to an end automatically without reference to this Court.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

26.04.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No