

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1057 of 2019

DATE OF DECISION: JANUARY 24, 2019

LAKHWINDER SINGH @ LAKHA ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. K.S. DHALIWAL, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

This petition has been preferred for grant of regular bail to the petitioner in case FIR No.209 dated 8.11.2018 under Section 15 of NDPS Act, 1985, Police Station Guhla, District Kaithal.

As per the allegations in the FIR, a secret information was received that Lakhwinder Singh @ Lakha is engaged in the business of selling doda post. Acting upon the said information, a nakabandi was done and after some time Lakhwinder Singh @ Lakha was seen coming on a motorcycle bearing Registration No.HR09D 4674. He was stopped and upon asking, he revealed his name as Lakhwinder Singh @ Lakha. After completion of formalities regarding search, one plastic bag tied to the rear side of the motorcycle was opened and smelled. It was containing doda post and upon weighing it was found to be 7.200 kgs.

As per case of the prosecution, 7.200 kgs. doda post was recovered from the possession of petitioner. Learned counsel for the

petitioner contends that the quantity recovered falls under non-commercial quantity.

Learned counsel for the State has opposed the prayer for grant of bail. However, on instructions from SI Jagbir Singh, P.S. Guhla, it is not disputed that the petitioner is in judicial custody and challan has been filed.

Considering the fact that the petitioner is in custody since 8.11.2018 and has been found to be in possession of 7.200 kgs. of doda post, which falls under non-commercial quantity coupled with the fact that the trial is likely to take some time and no useful purpose would be served in keeping the petitioner behind bars, therefore, without commenting anything upon merits of the case, the petitioner, namely, Lakhwinder Singh @ Lakha is admitted to regular bail, subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the concerned trial Court.

The petition is allowed.

January 24, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

