

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

**CRM-M No.5153 of 2019
Decided on: 14.10.2019**

Sandeep Kumar @ Billa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gaurav Rana, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.413 dated 25.09.2018, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') at Police Station Focal Point, Police District Ludhiana, District Ludhiana.

Counsel for the petitioner has submitted that as per the allegations in the FIR, which was registered on the basis of the secret information that the petitioner is habitual of selling narcotics and he can be apprehended, if a raid is conducted. Thereafter, the police stopped a car bearing No.PB01-4336, whose driver name was Monu and the petitioner was traveling in the said car and the recovery of 264 grams of heroin was effected from the car.

Counsel for the petitioner has further submitted that the petitioner is the first offender and he is not involved in any other case

and he is in custody since 01.10.2018. It is also submitted that out of 16 prosecution witnesses, only 05 PWs have been examined, so far and the recovery is marginally higher than the commercial quantity.

Counsel for the State, on instructions from ASI Bhupinder Singh, has not disputed the factual position that the petitioner is in custody for the last more than 01 year and only 05 PWs have been examined but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 01.10.2018; he is the first offender and not involved in any other case and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

14.10.2019
yakub

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