

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

237

Criminal Misc. No.M-6548 of 2019

Date of decision : 25.09.2019

Nonso Ifediora @ Ugorji Chukwunonso Francis

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Abhishek Jhha, Advocate for
Ms. Garima Ahuja, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.54, dated 20.10.2018, under Sections 21 and 29 of the NDPS Act and Section 14 of the Foreigners Act, 1946, registered at Police Station STF, Phase-IV, Mohali.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 50 grams of heroin is allegedly recovered from him which is below the threshold of 250 grams as commercial quantity. The petitioner is in custody for over 11 months and is not involved in any other case under the NDPS Act. He also contends that Section 14 of the Foreigners Act had been invoked as the petitioner had allegedly over-stayed in India.

Learned State counsel upon instructions from SI Malkeet Singh, states that 03 out of 16 prosecution witnesses have been examined.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the recovery effected from the petitioner is below the commercial quantity, the petitioner is in custody for over 11 months, he is not involved in any other case under the NDPS Act and conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned. The petitioner shall surrender his passport before the trial Court.

(ANUPINDER SINGH GREWAL)
JUDGE

September 25, 2019

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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No