

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6321-2019
Date of decision: 03.05.2019

Mohan Yadav

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.223 dated 02.12.2018 under Section 18 of NDPS Act, registered at Police Station City Khanna-2, District Khanna.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police, while on patrol duty, on suspicion, apprehended two persons and they disclosed their names as Suman Kumar and Saurav Kumar. After giving them a notice under Section 50 of NDPS Act, to be searched before Magistrate or a Gazetted Officer, SP (I), Khanna was called at the spot and in his presence, they were searched and recovery 5 kg 100 gram of opium was effected from them. Thereafter, on the basis of disclosure statement made by the aforesaid accused persons, name of the petitioner was surfaced in the FIR. It is further submitted that the petitioner was later on arrested and nothing

was recovered from him, he is in custody since 10.12.2018 and is not involved in any other case.

Learned State counsel, on instructions from ASI Parmod Kumar, could not dispute the aforesaid factual position.

Without commenting anything further on merits of the case, considering the aforesaid submissions made by learned counsel for the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No