

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

CRM-M No. 21394 of 2018 (O&M)

Date of decision : 11.01.2019

Raj Tilak

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Amit Kohar, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 97 dated 03.08.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short - 'NDPS Act'), registered at Police Station – Bilga, Jalandhar Rural, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated, whereas he was not involved. As per allegations in the FIR, 30 injections of Buprenorphine 2/2 ML and 17 injections of Avil 10/10 ML were recovered from the petitioner. Learned counsel also submits that one more case under NDPS Act was also there against the petitioner, wherein he has undergone the sentence as the sentence was only three months. Co-accused of the petitioner has been released on bail. All the prosecution witnesses are official witnesses and there is no possibility that

the petitioner may influence them or tamper with the evidence. He is in custody since 03.08.2017 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner and the factum regarding undergoing of sentence by him in the earlier case of NDPS Act but she has opposed the bail on the ground that this is the second case under NDPS Act against the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also gone through the contents of the FIR and other documents on the file.

Without commenting anything on the merits of the case and keeping in view the custody since 03.08.2017; co-accused of the petitioner has been released on bail; petitioner has undergone the sentence in earlier case which was only three months; all the prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence, no purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

11.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No