

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

**Criminal Misc. No. M-28380 of 2018
Date of decision: 29.01.2019**

Lakhvir Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Lakhvir Singh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.227 dated 05.12.2017 registered under Section 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Doraha, District Ludhiana.

Learned counsel for the petitioner submits that recovery was effected from the dashboard of the car and the petitioner is neither owner of the car nor he was driver. It cannot be said that the recovery was effected from the conscious possession of the petitioner. No independent witness was joined by the Police at the time of recovery. The petitioner is in custody since 05.12.2017. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. No other case under the NDPS Act is pending against the petitioner.

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Learned State counsel has not disputed the custody period as well as stage of trial and also the fact that no other case under the NDPS Act is pending against the petitioner.

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

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 05.12.2017; no other case under the NDPS Act is pending against him; all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed and the petitioner (Lakhvir Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

29.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable Yes