

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

208

CRM-M-17803-2019 (O & M)
Date of Decision:18.07.2019

Lakhbir Singh @ Khera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Angad, Advocate for
Mr. Aminder Singh, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.48 dated 10.03.2019, under Sections 15, 61 and 85 of the NDPS Act, registered at Police Station Samana, District Patiala.

The prosecution case is that on 10.03.2019 a secret information was received that Lakhbir Singh son of Kundan Singh, who being habitual of selling poppy husk, was coming from village Chupki to village Kakrala side by carrying heavy plastic bag in his hand and if a 'naka' is set up then large quantity of poppy husk would be recovered from Lakhbir Singh. Thereafter a naka was set up and Lakhbir Singh was apprehended at the spot.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the case. He further contends

that 5 kgs of poppy husk was recovered from the petitioner, which is much

below the threshold of the commercial quantity. He further submits that the investigation in the case is complete.

On the other hand, bail application is opposed by learned State counsel on the ground that the petitioner is an habitual offender and is also involved in four other cases.

Learned counsel for the petitioner contends that the petitioner had been acquitted in most of these cases many years ago.

Considering the above back ground and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

18.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No