

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

**Criminal Misc. No. M-44797 of 2018
Date of decision: 27.02.2019**

Mangal Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. A.P. Kaushal, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.244 dated 17.09.2015 registered under Section 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar, Ferozepur.

Learned counsel for the petitioner submits that it is a case of chance recovery and only 260 gms heroin has been shown to be recovered, which is marginally more than the non-commercial quantity. Learned counsel further submits that the petitioner was not named in the FIR and has been implicated only on the basis of disclosure statement made by co-accused. Supplementary challan has been presented and now the petitioner is facing trial. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. The petitioner is in custody since 30.04.2018. No other case of NDPS is pending against the petitioner.

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Custody certificate has been filed by learned State counsel in the Court and the same is taken on record.

Learned State counsel has not disputed the custody period as well as presentation of supplementary challan

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 fact that the petitioner is in custody since 30.04.2018 and no other case of NDPS is pending against him; two more cases i.e. one under Section 323 IPC and the other under the SC/ST Act are pending against the petitioner; all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence; trial may take time to conclude and no purpose would be served by keeping him in custody, the present petition is allowed and the petitioner (Mangal Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

27.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes