

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

CRM-M No.45711 of 2018

Date of Decision: 08.02.2019

Balbir

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Rahul Makkar, Advocate
for the petitioner.

Mr. R.S. Doon, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner in case FIR No.397 dated 06.07.2017 registered under Sections 15/16/25/27-A/29 of the NDPS Act, 1985 at Police Station Bhiwani Sadar, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner was arrested from his house and the alleged recovery of 320 kilograms *chura post* was recovered from him. He further submits that the petitioner is in custody since 06.07.2017. Out of total 15 witnesses, 08 witnesses have been examined and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence as all witnesses are the official witnesses.

Learned State counsel has not disputed the custody of the petitioner since 06.07.2017 and also the stage of trial as out of total 15 witnesses, 08 witnesses have been examined. However, he has opposed

the bail of the petitioner on the ground of huge quantity, which is commercial.

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

Without saying anything on the merits of the case and by considering the custody of the petitioner since 06.07.2017; the fact that out of total 15 witnesses, 08 witnesses have been examined; trial may still take some time to conclude; all witnesses are the official witnesses and there is no possibility that the petitioner may tamper with the evidence or influence the witnesses and no other case under the NDPS Act is there against him, the present petition is allowed and petitioner, namely, Balbir is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case, the petitioner is found to be involved in any case of similar nature, the State is at liberty to move an application for cancellation of bail.

(DAYA CHAUDHARY)
JUDGE

08.02.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No