

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

CRM-M-51194-2018

Date of Decision: 27.02.2019

Obina Mike Ernst

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Charanpreet Singh, Advocate for
Mr. B.S. Kathuria, Advocate
for the petitioner.

Mr. K.S. Aulakh, D.A.G. Punjab.

RAJBIR SEHRAWAT, J. (Oral)

Through this petition, the petitioner has sought for bail pending trial in case FIR No.18 dated 07.05.2018 registered under Section 21/29 of NDPS Act, 1985, Section 14 of Foreigners Act 1946 at Police Station STF Phase 4, District SAS Nagar.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. The petitioner is not involved in any such crime as alleged against him. It is further contended that even as per the case of the police, the recovery from the petitioner is of 50 grams of heroine which is less than commercial quantity. The petitioner is not involved in any other case. The petitioner is in custody since 7.5.2018. The trial is likely to take long time to conclude. It is also submitted that although the petitioner is Foreign National, however, his pass-port has already been deposited with the trial Court, therefore, there is no possibility of the petitioner fleeing from the country.

On the other hand, learned State counsel, being instructed by

ASI Jagtar Singh, submits that recovery from the petitioner is of defined

narcotic. Although the quantity is less than commercial, however, it is more than small quantity. Therefore, the petitioner has committed a heinous crime. However, it is not denied that the passport of the petitioner is already lying deposited with the trial Court and that there is no other case against the petitioner.

In view of the above facts and circumstances, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

27.02.2019

rajeev

**(RAJBIR SEHRAWAT)
JUDGE****Whether speaking/reasoned****Yes/No****Whether reportable****Yes/No**