

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

**CRM-M No. 53006 of 2018
Date of Decision:-10.05.2019**

Vijay Kumar @ Noni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Kuldeep Singh, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Vijay Kumar @ Noni has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.170 dated 19.8.2018, under Section 22 of NDPS Act, registered at Police Station Adampur, Jalandhar. The petitioner is in custody since his arrest on 19.8.2018.

As per FIR, on 19.8.2018, when during search of bad elements, the police party was present on bridge Canal Rest House, Adampur, then two young men were seen coming on a motor-cycle bearing No.PB-08-BV-2785, make Hero Splendor of black colour, from side of village Kadiana. When they were signalled to stop, the said persons suddenly tried to take U-turn on the motor-cycle, but, were caught by the police. On interrogation, the person driving the motor-cycle told his name as Vijay Kumar @ Noni

(petitioner) and the pillion rider told his name as Bunty. Upon search, a polythene bag containing 58 injections of REXOGIC-2 were recovered alongwith a plastic bottle filled with one liter intoxicant solution. In this background the FIR against the petitioner was recorded.

Learned counsel for the petitioner contends that the recovery of alleged contraband was not effected from the possession of the petitioner. He further contends that the challan in the case has already been filed, charges also stand framed and the trial will take some considerable time as out of total 11 prosecution witnesses, only 03 witnesses have been recorded so far.

On the other hand, learned State counsel has opposed the prayer for grant of bail to the petitioner on the ground that the offence committed is serious in nature.

After hearing learned counsel for the petitioner, this Court is of the opinion that the argument raised by learned counsel for the petitioner is not acceptable at this stage, particularly when the prosecution is discharging its onus as three witnesses out of total eleven have been examined.

Hence, considering the seriousness of the offence, no ground is made out for grant of regular bail to the petitioner.

The petition is dismissed.

May 10, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No