

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

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CRM-M-40832-2019(O & M)
Date of Decision:18.10.2019

Mohd. Anwar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saqib Ali Khan, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, 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.98 dated 17.08.2018, under Sections 15, 25 and 61 of the NDPS Act, 1985, registered at Police Station Khanauri, District Sangrur.

On 17.08.2018, when the Police party was on patrol duty at Ghaghar Birdge, a secret information was received that in Truck No.PB-10-GK-3999, Mohd. Anwar (petitioner), Amit Lal and Shanker Singh were coming who were involved in business of selling poppy husk and upon raid they can be apprehended. After completion of formalities, Police acted upon this information and apprehended the said truck. Recovery of 95 k.g. of poppy husk was effected from driver of the truck.

Learned counsel for the petitioner contends that the investigation is complete and charges were framed on 13.02.2019, however, only 01 out of 19 prosecution witnesses has been examined till date. He

further contends that the petitioner is not involved in any other case of

similar nature. The co-accused of the petitioner namely Amit Lal @ Amrit Lal has already been granted the concession of regular bail by this Court passed in CRM-M-34161-2019 on 28.08.2019.

On the other hand, learned State counsel assisted by HC Sita Ram opposed the bail application on the ground that the recovery falls within the commercial quantity, however, it is not disputed that the petitioner is not involved in any other case much less of the similar nature. He submits that in all there are 19 witnesses to be examined on behalf of the prosecution.

After hearing learned counsel for the parties, this Court finds that the further custody of the petitioner may not be necessary, as the trial is likely to consume considerable time. 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 his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

18.10.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No