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

CRM-M No. 56231 of 2018 (O&M)

Date of Decision: 19.03.2019

Jasbir Singh

....Petitioner

Versus

State of UT Chandigarh

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr.A.P.Kaushal, Advocate and
Mr. G.S.Sandhu, Advocate
for the petitioner.

Mr. Rajiv Vij, Addl. P.P. UT Chandigarh.

DAYA CHAUDHARY, J. (ORAL)

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to petitioner, namely, Jasbir Singh in case FIR No. 320 dated 30.10.2018 registered under Section 18 of the NDPS Act at Police Station Industrial Area, Chandigarh.

Learned counsel for the petitioner contends that the alleged recovery is of 400 grams of opium which is alleged to be recovered from the petitioner and there is violation of mandatory provisions of NDPS Act. The alleged recovery is non-commercial. The petitioner is in custody for the last four months. The investigation has been completed and charges have also been framed. All witnesses are official and have been examined. It is also submitted that there is no other case pending under NDPS Act.

Learned counsel for respondent-State has not disputed the custody period but submits that it is a case of chance recovery and also the fact that the recovery is non-commercial.

Without commenting anything on the merits of the case and by considering the fact that the petitioner is in custody for the last four months i.e. since 30.10.2018; no other case under NDPS Act is pending against the petitioner; trial may take some time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Jasbir Singh) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Chandigarh.

19th March, 2019
shabha

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No