

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

204

CRM-M-41161-2019

Date of Decision: 09.10.2020

JEMES OKOFUR

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

Ms. Gehna Vaishnavi, Central Government Counsel
for respondent No.2-UOI.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Jemes Okofur** in case F.I.R. No.41 dated 27.05.2019 under Section 21 of NDPS Act and Section 14 of Foreigner Act, registered at Police Station STF Phase-4, SAS Nagar, Mohali.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further urges that even otherwise alleged recovery of contraband weighing 100

grams of Heroin falls in non-commercial quantity. He further submits that petitioner is in custody since 27.05.2019 and he is no more required by the Police for any investigation purpose. He further submits that challan has already been presented in the Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel as well as learned counsel for respondent No.2-UOI while opposing instant petition have vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 27.05.2019 and the fact that trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **James Okofur** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, SAS Nagar, Mohali, as the case may be. However, Court concerned

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while accepting personal/surety bonds shall keep in mind that petitioner-
accused is a foreign national.

(LALIT BATRA)
JUDGE

09.10.2020
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No