

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49071-2019

Date of Decision: 09.01.2020

Anwar Miyan

.. Petitioner

Vs.

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Shaveta Sanghi, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. D.D. Sharma, Advocate for respondent No.2-NCB.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case NCB Crime No.10 dated 17.02.2019, under Sections 8/18 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station NCB, Chandigarh. He is in custody since his arrest on 17.02.2019.

The prosecution case is that accused Anwar Miyan was arrested by Intelligence Officer, NCB Chandigarh on 17.02.2019, who was found in conscious possession of 5.750 kgs of opium without any permit or license in the area of District Sirsa.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is pointed out that the charges have been framed on 26.09.2019 and only one prosecution witness has been examined so far, therefore, further custody of the petitioner is not justified. It is prayed that the petitioner be released on regular bail.

On the other hand, learned counsel appearing on behalf of

respondent No.2-NCB has opposed the bail application on the ground that quantity recovered from the petitioner falls within the ambit of commercial quantity, therefore, the petitioner does not deserve the concession of regular bail.

Considering the quantity and nature of contraband recovered from the petitioner, no case is made out for grant of regular bail to the petitioner at this stage.

Consequently, the petition is dismissed.

09.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No