

213.

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

CRM-M-33685-2020 (O&M)

Date of decision: 22.01.2021.

JAILA

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Bhupinder Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-26061-2020

Prayer in this application filed under Section 482 Cr.P.C. is for exemption from filing the original power of attorney.

Prayer for exemption from filing the original power of attorney on account of COVID-19 is accepted with the condition that the petitioner shall deposit the required document within a period of one month when the situation becomes normal from the COVID-19 effect.

Application stands disposed of.

CRM-M-33685-2020

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.132 dated 09.08.2019 registered under Section 15 of NDPS Act, 1985 at Police Station Adampur, District Jalandhar Rural.

The allegation against the petitioner is that during nakabandi,

one Innova Car bearing No.PB-08-CF-7817 was intercepted by the police and on search of the car, four bags containing 88 kg of Poppy Husk were recovered from it. The petitioner allegedly escaped from the spot.

Counsel for the petitioner submits that the petitioner is in custody since 18.08.2020. Challan in the case has already been presented, but charges have not been framed so far. Though there were two other cases registered against the petitioner under the NDPS Act, but he was acquitted in those cases and this manner, there is no case pending against the petitioner.

Learned State counsel does not dispute the custody and the fact that no case is pending against the petitioner under the NDPS Act.

I have heard learned counsel for the parties.

For the alleged possession of 88 kg of Poppy Husk, the petitioner is in custody since 18.08.2020. Though challan in the case has been presented, but charges are yet to be framed. In this manner, trial in the case is not likely to be culminated in the near future. Therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

(HARI PAL VERMA)
JUDGE

22.01.2021
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.