

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

Sr. No.220

CRM-M-16208-2022

Date of decision: 18.07.2022

Okechukwz Samule Abugu @ David

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.26 dated 23.01.2016 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 13 and 14 of Foreigner's Act, 1946 at Police Station Ambala Cantt., District Ambala.

The petitioner is being prosecuted for having been found in illegal possession of 800 grams of heroin as also because he had not been able to produce any documents/papers showing him to have legally entered the territory of India.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner was in fact picked up by the Haryana Police from Delhi and wrongly shown to have been arrested from Ambala; the petitioner is in custody for the last over 06 years and that his trial is not likely to conclude soon.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has been found in illegal possession of 800 grams

of heroin and that till date he has not shown any documents/papers showing himself to have legally entered the territory of India as also because only one prosecution witness remains to be examined in his trial.

The allegations against the petitioner are serious as he was allegedly found to be in possession of 800 grams of heroin as also because till date he has not shown any documents/papers showing himself to be legally entered the territory of India.

In view of the afore serious allegations against the petitioner and for the reason that his trial is virtually at its fag end with only one prosecution witness remaining to be examined in the same, this Court is of the opinion that the petitioner is not entitled to the grant of regular bail. However, since he has been in custody for over 06 years and only one prosecution witness remains to be examined in his trial, the Trial Court is directed to finally dispose of the petitioner's trial within six weeks from the date next fixed before it, in accordance with law.

Keeping in view the long period of the petitioner's custody, the Trial Court, if so required, is directed to hold day to day hearing.

July 18, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No