

CRM-M-971-2023
Date of decision: 13.04.2023

...Petitioner

 V/s

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Munish Gulati, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J. (ORAL)

By way of present petition filed under Section 439 CrPC, prayer has been made for grant of bail pending trial in case FIR No. 88 dated 16.07.2022 under Section 21 of NDPS Act, 1985 and Section 29 of Arms Act, 1959 added subsequently registered at P.S. Lakho Ke Behram, District Ferozepur, Punjab.

Learned counsel for the petitioner submits that investigation stands completed with the filing of the challan and petitioner has already suffered incarceration for a period of more than 08 months now and out of 24 witnesses, none of the prosecution witness has been examined. Thus, the trial is likely to take some time.

On the other hand, learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the recovery of

contraband from the petitioner falls under the commercial quantity, thus he prays for dismissal of the present petition.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that the alleged recovery from the petitioner is marginally higher than the non-commercial quantity; the petitioner has already suffered incarceration for a period of more than 08 months now and no prosecution witness has been examined so far out of the total 24 witnesses as cited by the prosecution, I do not find any reason to extend the incarceration of the petitioner.

In view of the above, without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

13.04.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No