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217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15631-2023
Date of Decision: 24.07.2023

Nirmal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Suram Singh Rana, Advocate,
for the petitioner.

Mr. G.S.Sandhu, DAG, Punjab,
for the respondent-State.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail pending trial in case FIR No.107 dated 23.12.2022 registered under Sections 15, 18 and 29 of the NDPS Act, 1985, at Police Station Khui Khera, District Fazilka.

2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the allegation against the petitioner is possession of non-commercial quantity of the contraband. The petitioner is in custody since 26.12.2022 and that there is no other case against the petitioner. The petitioner is not required for any investigation purposes.

3. On the other hand, learned counsel for the State, being

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instructed by ASI Bhagwan Singh, has submitted that 40 Kgs. of poppy husk and 1.5 Kgs. of opium were recovered from the two persons. Therefore, the petitioner is directly involved in the crime. However, it is not disputed that the petitioner is in custody since 26.12.2022 and that there is no other case against the petitioner.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

24.07.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No