

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

(220)

CRM-M-23787 of 2023
DATE OF DECISION:-16.05.2023

Iqbal Singh @ Bali

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. M. S. Basra, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.50 dated 15.05.2022 under Sections 15, 18, 25, 29 of NDPS Act, 1985, registered at Police Station Rangar Nangal, Police District Batala, District Gurdaspur.

(2) The allegation against the petitioner is that he was working as cleaner on the truck from which recovery of 2 kg and 600 grams of opium along with 1 kg poppy husk was made.

(3) Learned counsel for the petitioner submits that the petitioner is in custody for the last almost one year now and the investigation in the present case already stands concluded with the filing of challan on 07.11.2022, however, charges are yet to be framed, thus, the trial is likely to take some time. He further submits that there is no other case pending against the petitioner.

(4) On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that commercial quantity of contraband has been recovered from the petitioner.

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

(6) Considering the fact that the petitioner is behind the bars for almost one year now, the investigation in the present case already stands concluded with the filing of challan and trial likely to take some time as well as the fact that the recovered quantity of opium is only marginally higher than the non-commercial quantity, besides, there being no other case of similar nature pending against the petitioner, I do not find any reason to extend his incarceration any further.

(7) In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

(8) However, nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the case.

16.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No