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216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27176-2023
Date of Decision: 25.07.2023

Vinay Mehta alias Vinay Mahto

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.275 dated 14.11.2022 registered under Section 18 of the Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station Division No.8, District Jalandhar.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. To involve the petitioner in the present case, the prosecution has fabricated an alleged recovery of 2.480 Kgs. of opium from the petitioner. The said quantity of opium is a non-commercial quantity. There is no other case against the petitioner. The petitioner is in custody since 14.11.2022. Hence, the petitioner deserves to be released on bail pending trial.

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On the other hand, learned counsel for the State, on instructions from ASI Balwinder Kumar, has submitted that the petitioner is involved in a heinous crime of trading in narcotics and psychotropic substances. The recovery of 2.480 Kgs. of opium have been effected from the petitioner. However, it is not disputed that there is no other case against the petitioner and the quantity of the material recovered from the petitioner is a non-commercial quantity. It is also not disputed that the petitioner is in custody since 14.11.2022.

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

25.07.2023
adhikari

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