

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38935-2023

Date of Decision:16.08.2023

Alim Miya

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Monty Goyal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.80 dated 10.05.2023 registered under Section 18 of the N.D.P.S. Act, at Police Station GRP, Ludhiana.

As per allegations of the prosecution, the present petitioner was caught by a police while he was allegedly carrying 2 kgs of opium without any permit or licence.

Learned counsel for the petitioner contends that the alleged recovery of contraband is non-commercial in nature. The petitioner was arrested in the present case on 10.05.2023 and after completion of investigation, the final report under Section 173 Cr.P.C. has been presented before the Competent Court and the case is listed for prosecution evidence on 01.09.2023. He further contends that no witness has been examined by the prosecution so far and the conclusion of the trial will take considerable time.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner.

I have heard the learned counsel for the parties and perused the record.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

16.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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