

SADAQ

Versus

STATE OF PUNJAB

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K.B. Raheja, Advocate for the petitioner.
Mr. Kewal Singh, Addl. A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 170 dated 25.09.2023 registered under Sections 21, 29, 61 and 85 of NDPS Act, P.S. Sadar Ferozepur, District Ferozepur wherein, the petitioner has been implicated against the alleged recovery of 258 grams of heroin.
2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that quantity involved in the present case is commercial besides the custody of the petitioner is only 5 months.
3. 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.
4. In the present case, the petitioner is an old man of 70 years of age who is not involved in any other case under NDPS and the recovery is marginally higher than the non-commercial quantity adding the weight of the envelope.

Moreover, the investigation is almost complete and as per the State counsel, the final report is going to be filed within two weeks from today, as such, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

07.03.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>