

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

**CRM-M No. 50620 of 2023 (O&M)
Date of Decision: 02.05.2024**

Suresh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: None for the petitioner.

Mr. Siddharath Sandhu, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.75, dated 01.07.2023, under Section 15 of NDPS Act, 1985, registered at Police Station Gidderbaha, District Sri Muktsar Sahib, wherein he has been implicated against the alleged recovery of 4.5 kgs. of poppy husk.

[2] Co-ordinate Bench vide order dated 04.01.2024 granted the interim bail to the petitioner; thus prayer is for confirming the said order.

[3] On the other hand, learned State Counsel vehemently opposes the prayer made on behalf of the petitioner, while referring to his antecedents, who is stated to be involved in one more case under NDPS Act besides recovery of 5 kgs. of poppy husk, wherein he already stands convicted.

[4] I have heard learned counsel for the State and gone through the paper-book.

[5] In the present case, recovery of 4.5 kgs. of poppy husk falls under non-commercial category; investigation stands concluded with the filing of challan followed by framing of charges and only two, out of total fifteen prosecution witnesses have been examined so far; thus the conclusion of trial may take considerable time. The petitioner was taken into custody on 01.07.2023 and granted interim bail by this Court on 04.01.2024, i.e. after a period of about six months. As regards the other FIR pertaining to the involvement of petitioner under the provisions of NDPS Act, though having been convicted; he has already undergone the sentence. Considering the aforesaid facts, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

[6] Consequently, present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 04.01.2024, is made absolute. He shall be admitted to regular bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

May 02, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No