

Geeta Vs. State

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Court : Delhi

Decided On : May-19-1993

Reported in : 51(1993)DLT6

Judge : Sat Pal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 810 of 1993

Appellant : Geeta

Respondent : State

Advocate for Pet/Ap. : Jatinder Sethi and; H.P. Sharma, Advs

Judgement :

Sat Pal, J.

(1) In the present case the petitioner has been apprehended under N.D.P.S. Act for the alleged recovery of two grams of smack. Mr. Sethi, learned Counsel appearing on behalf of the petitioner submitted that according to the case of the prosecution, two purias containing smack were recovered from the petitioner and both the purias were mixed up and thereafter a sample was drawn. .He, therefore, contended that there may be smack only in one puria and the other puria may not be having smack at all and further quantity of smack may be less

than 250 grms. The learned Counsel further submitted that admittedly the public witness, who has been associated in this case was a resident of more than six kilometers from the place of occurrence and there is no satisfactory Explanationn for the same. In support of bids contention, he has placed reliance on a Division Bench Judgment of Punjab and Haryana High Court reported in Amrit Singh v. State of Haryana, 1990 (1) Cc 588 and a Judgment of this Court in the case of Ashok Kumar @ Cheena v. State, in Crl. M(M) 359/93 decided on 24th March, 1993.

(2) Mr. Sharma, learned Counsel for the State, however, submitted that a notice under Section 50 was duly served on the petitioner.

(3) After hearing the learned Counsel for the parties and taking the totality of the circumstances into consideration, I am of the view that it is a fit case for grant of bail to the petitioner. Accordingly, I direct that the petitioner be admitted to bail on furnishing a bail bond in the sum of Rs. 10,000.00 with one surety in the like amount to the satisfaction of the learned trial Judge.

(4) With this order petition stands disposed of.