



4. Learned D.P.G. opposed this application on the ground that this is a crime against society, however he concedes that there is no criminal history of applicant.

5. After careful consideration of contentions of learned counsel for the parties and meticulous examination of available record, alleged contraband narcotics is 1505 grams charas; no private witnesses have been associated though the alleged recovery was effected near the hotel; there is a delay in sending the representative part for chemical examination which (*delay*) would also be required an explanation by prosecution, hence making a room for further probe. Applicant has been in continuous custody since last more than 03 months and is no more required for any purpose of investigation nor the prosecution has claimed any exceptional circumstance which could justify keeping the applicant behind the bars for an indefinite period. Moreover, prosecution has not claimed that the applicant is previously involved in same nature of the cases. All the prosecution witnesses are police officials hence there is no question of tampering with the evidence. Therefore, keeping *peculiar* facts of instant case, I am of the view that no *useful* purpose is likely to be served with further detention of applicant pending determination of his guilt.

06. Keeping in view the above given circumstances, *prima facie*, applicant has succeeded to make out his case for further inquiry, hence, he is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and P.R Bond in the like amount to the satisfaction of trial Court.

J U D G E

Sajid