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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11167 of 2015
Date of Decision: 04.05.2015

RANJIT SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, D.A.G., Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C read with Section 167(2) Cr.P.C., in case bearing FIR No.12 dated 18.01.2015, under Sections 18, 29, 61/85 of N.D.P.S Act, P.S. Guruharshai, District Ferozepur.

Learned counsel for the petitioner states that alleged recovery of 2.5 kg opium is a non-commercial quantity for which period of 60 days is required for filing challan. The prayer in terms of Section 167(2) Cr.P.C., has been declined by presuming it to be a commercial quantity, attracting period of 180 days for filing challan.

Learned counsel further states that petitioner was arrested

on 18.01.2015. In application for grant of bail in terms of 167(2) Cr.P.C. was moved on 20.03.2015 i.e. after 60th day of custody. Challan was presented on 26.03.2015.

Learned Special Court instead of deciding the application under Section 167(2) kept the application pending and dismissed the same vide order dated 27.03.2015.

Learned counsel relies upon **Ratto v. State of H.P., 2004(1) R.C.R. (Criminal) 501., Ishwar Jat v. State of Punjab, 2011(1) Law Herald 508**, and **Mander Singh v. State of Punjab, 2015(2) RCR (Criminal) 634** to contend that recovery of 2.5 kg opium is a non-commercial quantity and provision in terms of 37 N.D.P.S., Act will not apply.

Looking to the aforesaid, petitioner is ordered to be released on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Ferozepur.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 04, 2015.
Atik

(RAJ MOHAN SINGH)
JUDGE