

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

**Criminal Misc. No. M-11454 of 2015
Date of Decision: 02.07.2015**

Avtar Singh @ Bantu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Vivek Goel, Advocate
for the petitioner.

Mr. Kapil Aggarwal, Addl.A.G., Haryana.

HARI PAL VERMA J.(Oral)

Petitioner has approached this Court for grant of regular bail in case FIR No.350 dated 15.9.2014 under Sections 15/16/61/85 of the NDPS Act and Sections 420, 467, 468, 471 IPC registered at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody since 24.9.2014 and as per the case of the prosecution, he was found in possession of 59 kgs.100 grams of poppy husk. He further submits that there is no other case pending against the petitioner. Learned counsel has relied upon CRM-M-37303-2013 *Surjit Kaur @ Seeto v. State of Punjab*

decided on 6.12.2013 and CRM-M-12938-2015 *Gurdial Singh v. State of Punjab* decided on 14.5.2015 in support of his case, wherein the accused were found in possession of 60 kgs. of poppy husk and was admitted on regular bail.

On the other hand, learned State counsel, on instructions from ASI Rajinder Singh, has opposed the plea raised by learned counsel for the petitioner on the ground that 59 kg. 100 gms. of poppy husk has been recovered in this case which falls in the definition of commercial quantity. He further submits that the petitioner has also been booked under Sections 420, 467, 468, 471 IPC for using fake number plate of the vehicle.

I have duly considered the aforesaid contention.

The petitioner is in custody since 24.9.2014 and this Court in the case of **Gurdial Singh (supra)** and **Surjit Kaur @ Seeto (supra)** has considered the question of possession of 60 kgs. of poppy husk and the accused has been granted bail.

On the basis of the aforesaid judgments in **Gurdial Singh (supra)** and **Surjit Kaur @ Seeto (supra)**, as well as the fact that the petitioner is in custody since 24.9.2014, the petitioner is held entitled for the concession of regular bail. Thus, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that this order shall not be

construed as expression of any opinion on the merits of the case.

July 02, 2015
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(HARI PAL VERMA)
JUDGE