

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

CRM No.M-15981 of 2015

Date of decision: 25.05.2015

Sandeep Singh @ Jassi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Madan Sandhu, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.66, dated 10.07.2014, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS Act'), at Police Station Bhikhi, District Mansa.

The learned counsel for the petitioner contends that the alleged recovery of 60 kgs and 500 gms of poppy husk has been attributed to the two accused. The learned counsel, thus, submits that at the most, 30 kgs could be attributed to him. Even the weight of the bags has been included towards the weight of the contraband. The

petitioner is in custody since 10.07.2014. He is not involved in any other FIR. The said vehicle was driven by co-accused Ashok Kumar.

On the other hand, the learned State counsel, on instructions, submits that 60 kgs and 500 gms of poppy husk was recovered from the possession of the accused, which is commercial quantity. However, she admits that the petitioner is not involved in any other FIR.

Heard.

In **Ram Singh** Vs. **State of Punjab**, 2008(4) R.C.R.

(Criminal) 697, this Court has held as under:-

“The quantity recovered is 60 kg. Though it is commercial in nature but it is attributed to three persons. In that context it is possible to argue that it is slightly above commercial quantity. Without any comment on merit, bail to the satisfaction of Chief Judicial Magistrate, Mansa.”

In the instant case as well, the contraband was allegedly recovered from two persons. Moreover, the conscious possession of the contraband is debatable as the same was recovered from a car being driven by the co-accused of the petitioner. The petitioner is in custody since 10.07.2014. He is not involved in any other FIR.

In the circumstances, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to

bail during the pendency of the trial, subject to his furnishing a specific affidavit that he will not indulge in such activities in future and on furnishing of bail bonds and surety bonds, to the satisfaction of the trial Court.

25.05.2015

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(JITENDRA CHAUHAN)
JUDGE