

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

**CRM-M No.18278 of 2015 (O&M)
Decided on : 03.06.2015**

Mehar Singh

.... Petitioner

Vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. A.P.S.Deol, Sr. Advocate with
Mr. Daldeep Singh, Advocate
for the petitioner.

Mr. Rajinder Kumar Goyal, Addl. AG, Punjab.

MAHESH GROVER, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.49 dated 07.04.2015 registered under Sections 15, 18, 61 & 85 of NDPS Act at Police Station Kulgarhi, Distt. Ferozepur.

The petitioner is accused of sowing poppy crop in a small patch of land measuring 2 kanals behind his house.

The case of the prosecution is that more than 6 quintal 200 grams of poppy crop was recovered from the patch of land. Learned State counsel states that number of cases are pending against the petitioner and has produced his custody certificate.

Learned counsel for the petitioners contends that the petitioner, who is 71 years of age, has nothing to do with the plant or the plot, which land is of panchayat. Besides that the petitioner is in custody since 27.04.2015 and there is no other case of the like nature pending against the petitioner even though a few cases are registered against him under the Excise Act.

On due consideration of the matter and noticing that the

recovery effected from the petitioner is 6 quintal 200 grams of poppy crop, whose yield in terms of opium and its derivative is uncertain and also noticing the fact that no other case of like nature is pending against the petitioner and considering the period of custody, the instant petition is accepted. It is directed that the petitioner be released on bail in terms of Section 439 Cr.PC subject to his furnishing of bail bonds to the satisfaction of learned Trial Court/Duty Magistrate, Ferozepur.

Nothing said herein shall be construed to be an expression on the merits of the case.

03.06.2015
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(Mahesh Grover)
Judge