

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

CRM-M No.21008 of 2015

Date of decision: 1st September, 2015

Vakil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana.

FATEH DEEP SINGH, J.

Allegations against the petitioner Vakil in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.409 dated 12.05.2015 registered at Police Station Jhajjar, District Jhajjar under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'the Act'), are that on 12.05.2015 he was apprehended by the police of Police Station Jhajjar leading to recovery of 1 kg of Charas from the pocket of his trousers.

Contentions of learned counsel for the petitioner Mr. DPS Bajwa, Advocate that the petitioner is in custody since almost four

months and that the trial is not likely to conclude in the near future and that the version of the police is highly improbable.

Though the bail application is sought to be opposed on behalf of the State by Mr.Munish Sharma, Asstt. Advocate General, Haryana contending that the petitioner has been found in possession of 1 kg of Charas and therefore he is not entitled to any bail.

Appreciating the contentions of both sides, the very definition of 'commercial quantity' of Charas as enunciated in Section 2(viia) of the Act makes it sufficiently clear that the quantity to fall within the ambit of 'commercial quantity' must be greater than the quantity specified by the Central Government by Notification in the Official Gazette. The Notification specifying 'small quantity' and 'commercial quantity' shows 1 kg of Charas under the 'commercial' head and in the light of definition of 'commercial quantity' to fall under the same, it should be more than 1 kg.

Since the State admits that the petitioner is not facing any other similar charges and keeping in view that the trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner in the present case is not warranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of trial Court.

The present petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

September 1, 2015
rps