

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

(211)

CRM-M-23051-2015

Decided on: August 25, 2015.

Gagandeep Singh

.... Petitioner

Versus

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Satbir Gill, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

Petitioner along with his co-accused was apprehended while sitting in a Scorpio car along with two bags containing total 75 kgs of poppy husk. The driver of the vehicle was able to escape in the presence of the police party.

Application has been opposed by the State counsel on the ground that petitioner along with Gurmeet Singh was apprehended from the spot along with the poppy husk as such he is not entitled to the concession of regular bail.

I have considered the facts and circumstances of the case.

It appears to be a case where three persons were allegedly carrying 75 kgs of poppy husk. The petitioner was found sitting on rear seat of the vehicle when apprehended. He is not involved in any other case. It will certainly be a debatable issue whether 75 kgs of poppy husk alleged to have been carried by three persons would be treated as commercial quantity in joint possession of three persons or each individual would be deemed to

be in possession of the above said commercial quantity for the purpose of determination of their criminal liability for having been found in possession of the contraband. Period of detention suffered by the petitioner appears to be sufficient enough to deter him from committing the similar offence again.

Taking into consideration the period of detention and the stage of the trial, without expression of any opinion on merits, this petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that in case he is found indulging in any similar offence during pendency of the trial, this order will be liable to be cancelled.

(M.M.S. BEDI)
JUDGE

August 25, 2015
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