

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

Criminal Misc.No.M-25480 of 2015

Date of Decision: August 12, 2015

Jaswant alias Bantu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Zorawar Singh Chauhan, Advocate,
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner, Jaswant alias Bantu, who has been booked for having committed the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in a case arising out of FIR No.32, dated 25.03.2015, registered at Police Station, Sadar, S.B.S.Nagar.

Learned counsel for the petitioner submits that the petitioner is neither required nor involved in any other case. As per prosecution, 52 kilograms of poppy husk were allegedly recovered from the petitioner which was slightly above the non-commercial quantity; the weight of gunny bag had not been excluded while weighing the poppy husk; the petitioner is behind the bars from 25.03.2015 and that the charge-sheet (report under Section 173, Cr.P.C.) has yet not been filed.

Learned counsel for the State has fairly conceded that

the charge-sheet (report under Section 173, Cr.P.C.) has not yet been presented and that the petitioner is neither required nor involved in any other case.

After hearing learned counsel for the parties and going through the material available on record, I am of the considered opinion that the recovery of 52 kilograms of poppy husk, attracting the mischief of commercial quantity, would be a moot point during the course of trial. The petitioner is neither required nor involved in any other case. The charge-sheet (report under Section 173, Cr.P.C.) has not yet been filed.

In view of the totality of the facts and circumstances of the case, the present petition is accepted. Petitioner-Jaswant alias Bantu, s/o Devraj, r/o Selkiyana, Police Station, Phillaur, District Jalandhar, is directed to be released on bail, during pendency of trial of the present case, subject to his furnishing bond in the sum of ₹ 1,00,000/- (Rupees one lac only) with one surety in the like amount to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, S.B.S.Nagar.

August 12, 2015
seema

(Naresh Kumar Sanghi)
Judge