

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

CRM-M No.25811 of 2015 (O&M)

Date of Decision: 28.09.2015

Bittu Masih @ Laddi

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Umesh Kumar Kanwar, Advocate for the petitioner.

Mr. M.S.Sidhu, Additional Advocate General, Haryana
for the respondent along with ASI Jagbir Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.101 dated 11.06.2015, under Section 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Guhla, District Kaithal.

As per the allegations, on 11.06.2015, the petitioner along with his co-accused Tarsem was intercepted by the police travelling in a Verna Car and recovery of 20 Kg. *poppy husk* was made from the back seat of the Car. The petitioner is alleged to be sitting along with the said bag of poppy husk.

Learned Counsel for the petitioner submits that recovery is of a quantity, which concededly is non-commercial in nature.

Learned State counsel, on instructions from ASI Jagbir Singh, states that the petitioner was earlier convicted in a NDPS case for a commercial quantity and sentenced to 10 years' imprisonment. He is stated to be on bail in the pending

appeal before this Court. He is also stated to be involved in another case under the NDPS Act. The nature of the quantity is not specified.

After hearing learned Counsel for the parties, the prayer for grant of regular bail to the petitioner is liable to be accepted in the light of the quantity being non-commercial.

Without commenting upon the merits of the case, keeping in view the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Kaithal.

Disposed of.

September 28, 2015

Gagan

(JASWANT SINGH)

JUDGE