

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

Criminal Misc.No.M-27566 of 2015

Date of Decision: August 27, 2015

Makhan Ram

...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, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Makhan Ram, 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Learned counsel contends that earlier petition seeking the same relief was dismissed as withdrawn since it was informed that the petitioner was required/involved in yet another case; the petitioner has been acquitted in the said second case and as such, at present except the case in hand, no other case is pending against the petitioner; as per prosecution version, 52 kilograms of poppy husk was recovered from a

gunny bag; while weighing the poppy husk the gunny bag was not separated and as such, it cannot be said that the contraband allegedly recovered from the petitioner was of commercial quantity; the petitioner is behind the bars from 25.03.2015 and as such, he is not required for investigation by the police.

Learned counsel for the State, on instructions from ASI Ashok Kumar, Police Station, Sadar, S.B.S.Nagar, submits that the gunny bag containing the poppy husk was weighed separately. However, he fairly concedes that the petitioner is neither required nor involved in any other case except the case in hand, at present.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The applicability of the provisions attracting the mischief of commercial quantity of the poppy husk would be a moot point during trial in view of the material available on record. The petitioner is neither required nor involved in any other case. Marginally above the non-commercial quantity of poppy husk was allegedly recovered from the petitioner, therefore, the present petition is allowed. Petitioner-Makhan Ram, s/o Kashmiri Lal, r/o Bhar Singh Pura, 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 two sureties in the like amount to the satisfaction of learned trial Court.

August 27, 2015
seema

(Naresh Kumar Sanghi)
Judge

