

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

CRM-M-34746 of 2015(O&M)
Date of decision : 14.10.2015

Inderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gurlal Sandhu, Advocate for
Mr. SPS Sidhu, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted with HC Anwar Singh

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.110 dated 15.06.2015, registered under Sections 15/61/85/18 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station Guruhar Sahai, District Ferozepur.

The learned counsel, inter alia, contends that the petitioner has been falsely implicated in the present case. The recovery effected from the petitioner is 250 grams of opium which is non-commercial quantity and the other recovery is 60 Kgs. of poppy husk from under the seat of the bus conductor and not from the conscious possession of

the petitioner. Even otherwise the recovery of the poppy husk is marginally higher than the non-commercial quantity which also included the weight of gunny bag. The petitioner is not involved in any other FIR.

On the other hand, the learned State counsel does not dispute the fact that the petitioner is not involved in any other FIR and he is in custody since 15.06.2015.

I have heard the learned counsel for the parties and perused the record.

Keeping in view the fact that alleged recovery of 60 Kgs. poppy husk is marginally higher than the non-commercial quantity which also included the weight of gunny bag and the petitioner is not involved in any other FIR, without adverting to the merits of the instant case, this petition is allowed.

The petitioner be admitted to bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

14.10.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**