

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
2015.02.27 10:15
I attest to the accuracy and
authenticity of this document

CRM-M-37561 of 2014

Date of Decision: 25.02.2015

Mukhtiar Singh

---Petitioner

versus

Narcotic Central Bureau

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. G.K.Mann, Advocate
for the petitioner

Mr. D.D.Sharma, Advocate
for the respondent

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioner prays for grant of bail in NCB Crime No. 17 dated 7.4.2014 under Sections 8, 18 and 46 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “the Act”).

Counsel for the petitioner contends that the petitioner has been implicated in the crime on the allegations that some poppy plants were cultivated in his land situated across boarder fencing. It is argued that it is debatable if those plants were actually sown by the petitioner. The case of the petitioner, at best, falls within the purview of Section 18(c) of the Act and the offence is punishable with imprisonment extending upto 10 years and thus his case does not fall within the purview of commercial quantity. The petitioner is in custody since 9.5.2014 and conclusion of trial

is likely to take some time.

Counsel for the respondent would submit that trial is progressing well and every effort would be made to conclude prosecution evidence within a short time. It is argued that the petitioner was booked in the case as 160 illicitly cultivated poppy plants were found in his land on 7.4.2014 and 180 more such plants were recovered from his fields on 13.4.2014.

I have heard counsel for the parties and perused the records.

Counsel for the respondent has not disputed the fact that imputation set up against the petitioner do not bring his case within the purview of Section 37 of the Act as the case is covered under Section 18(c) punishable for imprisonment which may extend to 10 years. The petitioner is in custody for the past about 09 months and only two witnesses have been examined till date.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner in case the prosecution/complainant fails to conclude its evidence within a period of two months from the next date fixed but without delay being attributable to the petitioner. However, the petitioner shall remain bound by the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without previous permission of the Court.

(REKHA MITTAL)
JUDGE

25.02.2015

PARAMJIT