

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

CRM No.M-39451 of 2015

Date of decision: 30.11.2015

Gurbaksh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Gurpal Sandhu, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by HC Balbir Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.110, dated 15.06.2015, registered under Section 15 of NDPS Act, at Police Station Guruhar Sahai, District Ferozepur.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. The petitioner is a cleaner/helper of the vehicle from which the alleged recovery of contraband was recovered under the seat of the driver. No recovery was effected from the petitioner. The driver of the truck has already been granted bail by this Court. The petitioner is not involved in any other FIR. The petitioner is in custody since

15.06.2015.

On the other hand, the learned State counsel opposes the prayer of bail and states that 60 kg of poppy husk was recovered from the possession of the petitioner, which is a commercial quantity. The challan stands presented, however, no witness has been examined so far.

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

It is debatable as to whether the quantity is commercial or otherwise. The trial is yet to commence and is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

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

30.11.2015

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(JITENDRA CHAUHAN)
JUDGE