

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-40302 of 2015 (O&M)
Date of decision: 07th December, 2015

Gurpreet alias Koch

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ashwani Verma, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner has preferred the instant petition under Section 439 Cr.P.C., seeking regular bail in case FIR No.397 dated 20.08.2015, registered at Police Station City Tohana, District Fatehabad, under Sections 15 and 27-A of the Narcotic Drugs & Psychotropic Substances Act, 1985.

Notice of motion.

On the asking of the Court, Mr. Himmat Singh, AAG, Haryana, has accepted notice on behalf of respondent(s)-State and contested the instant petition. Police record is also available.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per prosecution version, 51 kgs. 600 grams poppy husk was recovered from three bags. There is nothing on the record to show that the weight of the bags have been excluded from the total

recovery. If the weight of the bags were excluded from the total recovery then the said recovery falls in non-commercial quantity.

Keeping in view the recovery, effected from the petitioner, as non-commercial and in view of the facts that the petitioner is in custody since 29.09.2015; the trial of the case will take long time and no useful purpose will be served by keeping him in custody, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds in the sum of ₹ 30,000/- with one surety in the like amount to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Fatehabad.

07th December, 2015
mamta

(INDERJIT SINGH)
JUDGE