

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

CRM-M-4067 of 2015.
Decided on:-29.09.2015.

Gurdev Singh @ Guria.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

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

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.94 dated 22.8.2014 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner contends that allegation against the petitioner and his co-accused is for possession of 80 Kgs. of poppy husk in four different bags and, thereafter, on the disclosure statement of the petitioner, 1.5 Kgs. opium was recovered from the vehicle owned by the petitioner. He further submits that the petitioner is in custody since 22.8.2014 and there is no other case under the NDPS Act against him. He further submits that the petitioner cannot be said to be in conscious possession of total contraband. In support of his contentions, learned counsel

for the petitioner has relied upon four judgments of this Court passed in **CRM-M-25556-2010** decided on 25.10.2010 titled as ***Bheem Singh @ Bheema Versus State of Punjab***; **CRM-M-36696-2013** decided on 27.11.2013 titled as ***Jagtar Singh Versus State of Punjab***; **CRM-M-11592-2014** decided on 11.4.2014 titled as ***Avtar Singh @ Malhotra Versus State of Punjab*** and **CRM-M-15542-2014** decided on 19.5.2014 titled as ***Kuldeep Singh @ Bheecha Versus State of Punjab***.

On the other hand, learned counsel for the State, on instructions from HC Ranjit Singh, submits that though the quantity of 1.5 Kgs falls within the non-commercial quantity, however, the possession of 80 Kgs. poppy husk is commercial. He further submits that though there is no case against the petitioner under the NDPS Act, but there are two other cases pending against him under the Indian Penal Code.

Admittedly, the petitioner is in custody since 20.8.2014 and as against the cited total 17 prosecution witnesses, only 4 witnesses have been examined, the trial will take sufficient long time. As the petitioner is not involved in any other case under the NDPS Act, he is unlikely to commit any such offence in future.

In view of the above, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

However, in case the petitioner is found involved in any other

case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

It is made clear that the observations made hereinabove shall not be construed as reflection of any opinion on the merits of the main case and the trial Court shall decide the case on the basis of availability of evidence.

September 29, 2015
Yag Dutt

(HARI PAL VERMA)
JUDGE