

In the High Court of Punjab and Haryana at Chandigarh

....

Criminal Misc. No.M-42466 of 2015

....

Date of decision:24.12.2015

Rajesh alias Raja

....Petitioner

v.

State of Haryana

...Respondent

....

Present: Mr. Partap Singh, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana for the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under section 439 Cr.P.C. for grant of regular bail in case FIR No.397 dated 20.8.2015 registered for the offences under Sections 15 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Tohana, District Fatehabad.

Notice of motion to Advocate General, Haryana.

On the asking of the Court, Mr. Anmol Malik, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and accepted notice and contested this petition.

I have heard learned counsel for the parties and have gone through the record.

As per record, the recovery in the present case is only 51 Kgs.

600 Grams of poppy husk from the three bags. A perusal of the record

shows that the weight of the bags has also been included in this recovery.

Keeping in view the fact that the weight of all three bags can be upto two kgs., therefore, the benefit of non-commercial quantity can be given to the present petitioner.

Keeping in view the facts and circumstances of the present case, without discussing the facts of the case in minute detail and without expressing any opinion on the merits of this case, the present petition is accepted and the petitioner is ordered to be released on regular bail on furnishing bail bond in the sum of ₹30,000/- with one surety in the like amount to the satisfaction of trial Court/Duty Magistrate.

December 24, 2015.

(Inderjit Singh)
Judge

hsp