

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

**Crl. Misc. No. M-43975 of 2014
Date of decision : 08.01.2015**

Puran Singh @ Punu

....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. K.S. Dadwal, Advocate for the petitioner.
Ms. Anmol Grewal, AAG, Punjab.

RITU BAHRI , J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, who has been booked for having committed the offence punishable under Sections 15/61/85 of the NDPS Act in a case arising out of FIR No.109 dated 02.09.2014, registered at Police Station Garshankar, District Hoshiarpur.

Counsel for the State on instructions from Head Constable Rachhpal Singh has informed this Court that challan has not been presented as the FSL report is still awaited.

Recovery in the present case is of 50 Kgs. of poppy husk and as per the judgment of Full Bench of Himachal Pradesh High Court in the case of **Ratto Vs. State of H.P. 2004(1) RCR (Criminal) 501**, above 50 Kgs. were to be considered as commercial quantity, the provisions of Section 37 of the NDPS Act will not go against the petitioner in the present case.

Keeping in view the above facts, the petition is allowed and the petitioner is directed to be released on regular

bail, subject to his furnishing bail bonds to the satisfaction of the
Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

08.01.2015
Vinay

(RITU BAHRI)
JUDGE