

CRM-M-4639-2015 (O&M)

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

CRM-M-4639-2015 (O&M)

Date of Decision: February 19, 2015

Joginder Singh alias Baba

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.R.S.Aulakh, Advocate
for the petitioner.

Mr.Gurinderjit Singh, DAG, Punjab.

.....

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner, Joginder Singh alias Baba, who has been booked for having committed the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in a case arising out of FIR No.91, dated 30.06.2014, registered at Police Station, Kot Ise Khan.

Learned counsel contends that the Chemical Examiner report has not been received and, as such, the Investigating Agency has no evidence to show that the material recovered

from the petitioner was poppy husk.

On the other hand, the learned counsel for the State, on instructions from ASI Major Singh of Police Station, Kot Ise Khan, submits that 160 kgs of poppy husk was recovered from the petitioner; the Punjab Police is efficient to physically identify the poppy husk and the samples are sent to the Chemical Examiner for the purpose of re-affirming the view of the police and, as such, it cannot be said that the substance recovered from the petitioner was not the poppy husk. He further submits that after completion of the investigation, the charge-sheet has already been presented before the learned Court below and even charge has been framed. He further submits that as soon as the Chemical Examiner Report is received the same shall be placed on record.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

As per prosecution, 160 kgs of poppy husk of commercial quantity was recovered from the petitioner. As per Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, an accused retaining the commercial quantity of the

poppy husk cannot be granted bail.

Dismissed.

February 19, 2015
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(NARESH KUMAR SANGHI)
JUDGE