

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

CRM-M-5048 of 2015

Date of decision : 10.03.2015

Harmesh Lal alias Dara

..... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Dinesh Nagar, Advocate for petitioner.

Mr. Amarinder Singh Klar, AAG, Punjab.

DARSHAN SINGH, J. (Oral)

This petition has been filed by accused Harmesh Lal alias Dara, who is facing trial for the offence punishable under Section 15/29 of the Narcotic Drugs and Psychotropic Substances Act for illegally found in possession of 54 Kgs. of the poppy husk.

Learned counsel for the petitioner contended that the quantity is marginally exceeding than the non-commercial quantity. The applicant is in custody since the date of his arrest. The conclusion of the trial will take time. He deserves the concession of bail.

Learned State counsel has opposed the prayer of the bail on the ground that the provision of Section 37 of the Narcotic Drugs and Psychotropic Substances Act applies in this case.

I have duly considered the plea raised by learned counsel for the parties.

As per the prosecution allegations, two bags containing 27 Kgs. poppy husk each total 54 Kgs. poppy husk is alleged to have been recovered from the petitioner. Certainly the weight of the poppy husk mentioned by the prosecution includes the weight of the bags. The quantity of the poppy husk is marginally exceeding the non-commercial quantity.

Learned counsel for the petitioner has relied upon judgments **Mahavir Singh Vs. State of Haryana in CRM No.21954 of 2014 decided on 13.02.2015, Sikander Singh Vs. State of Punjab, 2005 (2) RCR (Criminal) 810, Jagdev Singh Vs. State of Punjab in CRM-M 30188 of 2014 decided on 03.11.2014, Bhola Singh Vs. State of Punjab in CRM-M 16631 of 2014 decided on 22.12.2014 and Veerpal Kaur Vs. State of Punjab in CRM-M 30217 of 2014 decided on 24.12.2014** of the coordinate Benches, wherein 60 Kgs. poppy husk was treated as marginally higher quantity.

The accused-petitioner is in custody since the date of his arrest i.e. 11.09.2014. The trial has not yet concluded. In view of the ratio of law laid down in the cases referred above by the coordinate Benches, the petitioner deserves the concession of bail.

Thus, the present application is hereby allowed. Accused-petitioner **Harmesh Lal alias Dara** is ordered to be released on bail on

furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial
Magistrate, Nawanshehar.

10.03.2015

sunil yadav

**(DARSHAN SINGH)
JUDGE**