

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 212

Criminal Miscellaneous No.M-5359 of 2015 (O & M)

Date of Decision: *March 03, 2015*

Pawan

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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

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PRESENT: - Mr. Narender Kaajla, Advocate, for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General,
Haryana.

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Jaspal Singh, J (Oral)

1. This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.9 dated January 17, 2015 under Section 15 of the Narcotics Drugs & Psychotropic Substances Act, 1985, registered with Police Station, Siwani.
2. As per the prosecution story, 5.8 kgs of poppy husk was recovered from four persons, out of which, 2 kgs of poppy husk was recovered from the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The alleged recovery falls under the category of non-commercial quantity. The petitioner is not involved in any other case of similar nature. The petitioner is in custody since the date of his arrest i.e. January 17, 2015. One of the co-accused namely Hawa Singh has already been granted the benefit of regular bail by this Court vide order dated February 20, 2015 passed in Criminal Miscellaneous No.M-5163 of 2015.

4. Admittedly, the petitioner is in custody since January 17, 2015 and the quantity of contraband recovered falls under the category of 'non-commercial quantity'. Challan has not been presented as yet.

5. In view of the above, without commenting upon the merits of the case, the petition is allowed and petitioner is ordered to be admitted to bail, during pendency of the trial, subject to his furnishing requisite bail/surety bonds to the satisfaction of Illaqa Magistrate/ Chief Judicial Magistrate, Bhiwani.

March 03, 2015
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(Jaspal Singh)
Judge