

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

**CRM-M No.14220 of 2016 (O&M)
Date of Decision: 28.05.2016**

Paramjit Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Suneet P. Singh Aulakh, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by A.S.I. Vinod Kumar.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Paramjit Singh in case FIR No.34 dated 11.03.2016 for the offences punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station Haibowal, Ludhiana.

There is a recovery of 03 Kgs. of *Poppy Husk*, which quantity concededly is non-commercial in nature, therefore, the bar provided under Section 37 of the NDPS Act is not applicable.

There is another FIR No.35 dated 22.02.2015, u/s 15 of the NDPS Act, Police Station Sarabha Nagar, District Ludhiana wherein 7 Kgs. of *Poppy Husk* was recovered, which quantity also is non-commercial in nature and the petitioner is on regular bail.

The petitioner is stated to be in custody since 11.03.2016 and after presentation of the challan, the evidence of 12 cited prosecution witnesses is yet to commence.

Learned State Counsel, assisted by ASI Vinod Kumar, is unable to refute the custody period and that the seized quantity is non-commercial in nature.

Without commenting on the merits of the case, keeping in view the custody period, the seized quantity being non-commercial in nature and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 28, 2016

Gagan

**(JASWANT SINGH)
JUDGE**