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

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Date of Decision: 13.05.2016

PIARA LAL

... Petitioner

VS.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

1. *Whether Reporters of Local Newspapers 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?*

KULDIP SINGH, J (ORAL)

Heard.

The petitioner was arrested on 20.03.2016 by GRP Sirhind under Sections 15 of the Narcotic Drugs and Psychotropic Substance Act, 1985 for allegedly keeping in possession 4 kg of poppy husk.

The custody certificate filed by the learned State counsel shows that the appellant is in custody for the last 1 month and 21 days.

The bail application filed before the learned Judge, Special Court, Roopnagar was dismissed on 18.04.2016 while observing as under: -

“.....Keeping in view the arguments advanced by learned counsel for the applicant/accused and learned Additional P.P. and from the perusal of record, it is clear

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that applicant/accused has been found in possession of 4 KG of poppy husk which is huge in quantity. The offence committed by the applicant/accused is so grievous in nature.....”

I am of the view that the aforesaid observations are contrary to the record. In this case, the commercial quantity is 50 Kg, whereas 4 Kg poppy husk was recovered and by any stretch of imagination it cannot be called huge quantity as some of drug addicts do keep some quantity of poppy husk with them for personal consumption. It is also cannot be said that the offence is of very grievous in nature as observed by the learned Judge, Special Court, Roopnagar.

It being so, the petitioner is entitled to grant of bail pending trial.

At the same time, the learned Judge, Special Court, Roopnagar is reminded that it is case of recovery of non commercial quantity and the lower Court has the power to grant the bail in such cases.

Accordingly, the petition is allowed. The appellant is ordered to be released on regular bail on his furnishing personal bond in the sum of ₹ 10,000/- with like surety to the satisfaction of the learned Judge, Special Court, Roopnagar. The order be brought to the notice of the learned Sessions Judge, Roopnagar for communicating the same to learned Judge, Special Court (Smt. Sunita Kumari Sharma).

May 13, 2016

**[KULDIP SINGH]
JUDGE**

