

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

**CRM-M No.1713 of 2016 (O&M)
Date of Decision: 16.05.2016**

Subhash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Dr. Deipa Singh, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by A.S.I. Satish Kumar.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Subhash in case FIR No.226 dated 28.11.2015, under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Chhapar, District Yamuna Nagar.

The petitioner/accused was apprehended while carrying a white plastic bag on his head, which contains 30 Kgs. and 200 grams of *Poppy Husk*.

Learned Counsel for the petitioner contends that it is an admitted case that the seized quantity is non-commercial in nature and the petitioner is not involved in any other case. It is further contended that the petitioner is in custody since 28.11.2015 and only 02 out of 12 cited prosecution witnesses have since been examined.

Learned State Counsel, assisted by ASI Satish Kumar, does not refute the custody period, non-involvement of the petitioner in any other case, seized quantity being non-commercial in nature and stage of the trial.

Without commenting on the merits of the case, keeping in view the custody period, the quantity of seized contraband being non-commercial in nature, non-involvement of the petitioner in any other case 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 16, 2016

Gagan

**(JASWANT SINGH)
JUDGE**