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

CRM-M-20853 of 2016

Date of decision: August 30, 2016

Sukha alias Sukhwinder and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.326 dated 18.08.2014, under Sections 15 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Nissing, District Karnal, petitioners were released on bail vide order dated 19.08.2014 by the JMIC, Karnal.

Looking to the quantity of the contraband 750 grams each, in the impugned order, learned Sessions Judge set aside the above said order holding that the total quantity was to be seen but then he relied on a decision in the case of **Jagdish Rai versus Staet of Punjab, 2011 (2) RCR (Criminal) 291**, which relate to the seizure of contraband from the bag and not from the person, is against the seizure from the person in this case and the quantity falling below 1000 grams.

In that view of the matter, the impugned order will have to

be set aside.

Consequently, this petition is allowed. Rule is made absolute in terms of prayer clause. Impugned order dated 26.05.2016 (Annexure P-4) is quashed and set aside.

(A.B. CHAUDHARI)
JUDGE

August 30, 2016
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No