

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-28851 of 2016

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Date of decision:24.8.2016

Malak Singh

...Petitioner

v.

State of Haryana

...Respondent

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Karanvir Singh Khehar, Advocate for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.0075 dated 29.4.2016 registered for
the offence under Section 15 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police
Station Guhla, District Kaithal.

Notice of motion to Advocate General, Haryana.

Mr. Vikramjit Singh, learned Additional Advocate General,
Haryana has put in appearance on behalf of respondent-State and contested
this petition.

I have heard learned counsel for the petitioner and learned

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Additional Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that as per the prosecution version, 159 Kgs. poppy husk was recovered. The recovery falls in commercial quantity. Section 37 of the NDPS Act bars the grant of bail in the case of commercial quantity.

Learned counsel for the petitioner argued that two private persons have given the affidavits regarding the fact that nothing has been recovered from the present petitioner. This fact is to be seen by the trial Court at the time of trial. At this stage, this Court is not to give the findings whether these affidavits are to be believed and the Police officials are to be disbelieved. In view of the recovery of commercial quantity from the present petitioner, I do not find it a fit case where the petitioner is entitled to the grant of regular bail.

Therefore, finding no merit in this petition, the same is dismissed.

August 24, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No