

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-30607 of 2016

.....

Date of decision:1.9.2016

Gurbhag Singh alias Bhaga

...Petitioner

v.

State of Punjab

...Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab 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 interim bail for 15 days from 2.9.2016 to 17.9.2016 in case FIR No.217 dated 4.12.2013 registered for the offences under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police Station Canal Colony Bathinda, District Bathinda.

Notice of motion to Advocate General, Punjab.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

As per the prosecution version 40 bags of poppy husk have

been recovered which falls in commercial quantity. Therefore, bar of Section 37 of the NDPS Act will apply in this case and the petitioner is not entitled to the benefit of interim bail for 15 days. However, learned counsel for the petitioner argued that interim bail to attend Bhog ceremony of the father of the petitioner on 3.9.2016 may be granted.

As per the order dated 26.8.2016 (Annexure-P2) passed by learned Judge, Special Court, Bathinda, the Bhog ceremony of the father of the petitioner will take place on 3.9.2016 in his Villge Suhawa, District Tarn Taran, but it has been mentioned in the order that the Police has reported that heavy recovery has been effected from the petitioner and it came to know that the petitioner can abscond during the Bhog ceremony. Learned State counsel has stated that Bhog ceremony of the father of the petitioner will take place on 3.9.2016.

Keeping in view the facts and circumstances of this case, this petition is partly allowed and the Superintendent, Central Jail Bathinda is directed to make arrangements accordingly so that the petitioner may reach in custody at Village Suhawa, Tehsil and District Tarn Taran not late than 12.00 noon on 3.9.2016 enabling him to attend the Bhog ceremony of his father and then he will be brought back to Jail upto 4.00 p.m. on 3.9.3016. Copy be given dasti under signature of bench Reader.

September 1, 2016.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |