

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

**CRM-M No. 30848 of 2016(O&M)
Date of Decision : 21.09.2016**

Sukhwinder Singh alias SukhiPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. APS Deol, Sr.Advocate with
Mr.Daldeep Singh, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab with
Mr.K.S.Pannu, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for the grant of regular bail filed by the petitioner in case bearing FIR No.20 dated 06.02.2016 under Section 16/61/85 of NDPS Act, registered at Police Station Morinda, District Rupnagar.

As per FIR, 20 Kilograms 600 grams of dried poppy heads were recovered from the petitioner.

Learned senior counsel had contended on the last date that dried poppy heads would have to be covered under the definition of

'poppy straw' and, therefore, the charge framed under Section 18 of

NDPS Act was completely illegal since opium poppy is the description given for poppy plants which are actually growing in the field and as such the recovery is non-commercial quantity and the petitioner has been in custody since 06.02.2016. As per him the petitioner has otherwise clean antecedents.

Custody certificate by way of affidavit of Gurpal Singh Sarowa, Superintendent, District Jail, Rupnagar has been placed on record and copy thereof supplied to the counsel opposite. As per custody certificate the petitioner has been in custody for more than 6 months. Learned Addl.AG is not in a position to justify the charge under Section 18 of the NDPS Act at this stage.

In this view of the matter, without commenting on the merits, I do not deem it appropriate to deny bail to the petitioner. Let him be released on bail to the satisfaction of the trial Court.

Petition stands disposed of.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

(AJAY TEWARI)
JUDGE

21.09.2016
sunita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No