

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

CRM-M-33124-2016 (O&M)

Date of decision: 28.09.2016

Sukhveer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Agam Kumar Jund, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab,
assisted by ASI Major Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.5 dated 13.01.2016, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sirhind, Dist. Fatehgarh Sahib.

Learned counsel contends that the contraband recovered in this case is non-commercial. To make it a commercial quantity, even the weight of the bags has been added. Otherwise also, the alleged recovery of 60 kgs. of poppy husk was recovered from two persons, which becomes non-commercial quantity. Co-accused Ranjit Singh has already been admitted to bail by this Court.

On the other hand, learned State counsel submits that the petitioner is the owner and driver of the vehicle in question. The recovery is commercial in nature. Challan stands already presented and the matter is now fixed for framing of charges.

Heard.

The challan has been presented. The petitioner is in custody since 13.01.2016. The alleged recovery was effected from the boot of the car. Co-accused Ranjit Singh has already been admitted to bail. The trial is yet to commence. Whether the contraband allegedly recovered falls under the category of commercial quantity or otherwise, shall remain a moot point before the trial Court.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate.

Anything said herein above shall not be construed as an expression of opinion of the Court on the merits of the case.

28.09.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No