

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-35722 of 2016

.....

Date of decision:19.10.2016

Kesar Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. P.S. Sekhon, 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 regular bail in case FIR No.77 dated 15.6.2013 (Annexure-P.1) registered for the offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Passiana, District Patiala.

Notice of motion to Advocate General, Punjab.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition. Police record is also available.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab appearing for the respondent-

State and have gone through the record.

From the record, I find that in the present case, the recovery of the poppy husk is stated to be 55 kgs. 200 grams. As per the prosecution version, the FIR has been registered on the basis of a secret information. The present petitioner and the other accused are stated to have run away from the spot. Two bags of polythene containing poppy husk have been recovered and the total weight was found to be 55 kgs. 200 grams.

I have gone through the Police record. A perusal of the record shows that the weight of two bags is also included when the bags were weighed. There is nothing in the recovery memo or in the Police record as to what was the weight of the bags. Therefore, there is every chance that if the weight of the bags is excluded, the quantity will fall in non-commercial quantity. Further more, two of the co-accused have already been granted the benefit of regular bail by a Co-ordinate Bench. The present petitioner has been in custody since 8.4.2014. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

[3]

However, nothing stated herein shall be construed as an expression of opinion on the merits of the case and the learned trial Court shall consider the case on the basis of evidence and material as produced before it.

October 19, 2016.

(Inderjit Singh)
Judge

hsp

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