

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

**Criminal Misc. No. M-37121 of 2016
Date of Decision:-24.10.2016**

Chanderpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. G.S. Kaura, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.165 dated 7.6.2016, under Section 15/27A of the NDPS Act, 1985 registered at Police Station Bhattu Kalan, District Fatehabad.

Learned counsel for the petitioner states that the alleged recovery of 52 kilograms of poppy husk was made from four different bags. In case the weight of the bags is excluded, the recovered quantity of poppy husk falls within non-commercial quantity. He states that the petitioner is in custody since 7.6.2016 and there is no other case against him.

Learned State counsel on instructions from ASI Mohinder Singh does not dispute the aforesaid facts. However, he states that the

challan in the case has been presented, charges have been framed and the case is now fixed for prosecution evidence.

I have heard learned counsel for the parties.

The recovered quantity of the contraband is 52 kilograms including the weight of four bags, therefore, it is marginally higher than the commercial quantity. The petitioner is in custody since 7.6.2016 and the trial of the case will take long time as evidence of the prosecution is yet to start.

Accordingly, the petition is **accepted**. The petitioner is admitted on regular bail on furnishing of his bail bonds and surety bonds subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Fatehabad.

It is made clear that in case the applicant is found indulging in any other case under the NDPS Act, the prosecution would be at liberty to seek cancellation of his bail.

The criminal miscellaneous is disposed of.

October 24, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No