

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

CRM-M-37611 of 2016 (O&M)

Date of decision: 04.11.2016

Shashi Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Sarju Puri, Advocate for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

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 FIR No. 63 dated 17.06.2016, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Balongi, District SAS Nagar.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. The quantity allegedly recovered from the petitioner is non commercial quantity as the weight of bags has also been included. The challan has also not been filed. The petitioner is in custody since 17.06.2016.

On the other hand, the learned State counsel opposes the prayer of bail and states that 55 kg of poppy husk was recovered

from the conscious possession of the petitioner, which is a commercial quantity. The investigation is still under progress.

I have heard learned counsel for the parties and perused the record.

It is debatable whether the quantity is commercial or otherwise. Considering the fact that the petitioner is in custody since 17.06.2016, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the CJM/Illaq Magistrate, concerned.

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

04.11.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No