

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-39488 of 2016
Date of Decision: 11.11.2016

Gurdeep Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Jastej Singh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.284 dated 7.6.2016 under Sections 15/27-A NDPS Act registered at Police Station Sadar District Fatehabad.

Learned counsel for the petitioner contends that the alleged recovery is 52 kgs. of poppy husk which was made from four different bags and if the weight of the four bags is excluded, it will fall in the non-commercial quantity. He further submitted 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 Ram Chander does not dispute the aforesaid facts. However, he says that challan in the case has been presented and the case is now fixed for framing of charge.

I have heard learned counsel for the parties.

Admittedly, the alleged recovery made from the petitioner is 52 kgs. of poppy which include the weights of four bags. Therefore, taking into consideration the fact that the alleged recovery made from the petitioner is marginally higher than the commercial quantity and the petitioner is in custody since 7.6.2016 and there is no other case against him, the present petition is allowed. Accordingly, the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, Fatehabad.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

November 11, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No