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

CRM-M-40336 of 2016

Date of decision: November 18, 2016

Gurmail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Manoj Kumar, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. AG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.63 dated 17.06.2016, under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Belongi, District S.A.S. Nagar, Mohali, the petitioner seeks regular bail who was arrested on 20.06.2016.

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 as the weight of bags has also been included. The challan has not been filed.

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.

It is debatable issue whether the quantity is commercial or

otherwise. Considering the fact that the petitioner is in custody since 20.06.2016, without adverting to the merits of the instant case, this petition is allowed. The Petitioner be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

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

(A.B. CHAUDHARI)
JUDGE

November 18, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No