

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

(226)

CRM-M-43030-2015

Decided on: January 12, 2016.

Amrik Singh

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jatinderpal Singh, Advocate, for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

Petitioner was allegedly found carrying 1 quintal 2 kgs of poppy straw in the boxes of medicines in a truck.

Learned counsel for the petitioner has vehemently urged that the poppy-straw has been described as “khaskhas” by the investigating officer, who has admitted that “khaskhas” would mean poppy seeds.

Learned counsel for the petitioner would refer definition of poppy straw in Section 2 (18) of the NDPS Act to contend that the seeds of poppy do not constitute poppy straw.

The recovery witness and the investigating officer have already been examined.

I have heard learned counsel for the petitioner.

The controversy which would be required to be decided in trial would be whether the contraband recovered from the petitioner was poppy straw or only the seeds of poppy.

It appears that the prosecution agency has opted to choose alternative name of poppy straw as “khaskhas” which requires to be interpreted on the basis of evidence produced.

Out of 25 witnesses, 20 witnesses stand already examined.
Next date of hearing before the trial Court is 23.02.2016.

This petition is disposed of with a direction that in case the trial is not concluded within a period of three months after the next date of hearing, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction as co-accused of the petitioner, though not similarly circumstanced, are stated to be on bail.

(M.M.S. BEDI)
JUDGE

January 12, 2016
harsha