

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

CRM-M No.4800 of 2016 (O&M)
Date of Decision: 30.03.2016

Harpal Singh		 Petitioner
	Vs.	
State of Punjab		 Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Avtar Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Harpal Singh in case FIR No.151 dated 24.08.2015, under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station Samana, District Patiala.

There is a recovery of 51 Kgs. of *Poppy Husk* in two plastic bags from the petitioner.

It is contended that if the weight of 450 grams of plastic bags is deducted, then the recovery would be of 50.55 Kgs., which is marginally commercial.

Learned Counsel for the petitioner further submits that the petitioner is in custody since 24.08.2015 and after completion of the investigation, the case is at the initial stage of recording of evidence of 12 PWs.

Learned State Counsel, assisted by ASI Avtar Singh, is unable to refute the aforesaid factual situation, however, submits that the petitioner is

involved in three other cases under the NDPS Act, however, involving quantities less than commercial.

Without commenting on the merits of the case, keeping in view the custody period; the quantity being marginally commercial and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of concerned CJM/Duty Magistrate.

Disposed of.

March 30, 2016

Gagan

**(JASWANT SINGH)
JUDGE**