In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-5018 of 2016

.....

Date of decision:29.4.2016

Gurpreet Singh alias Gopi

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. Arshdeep Singh Klar, Deputy Advocate General, Punjab for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this second petition under Section 439 Cr.P.C. for the grant of regular bail in case FIR No.176 dated 1.10.2014 registered at Police Station Bahav Wala, District Fazilka for the offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as `the NDPS Act').

Notice of motion has been issued in this case.

Mr. Arshdeep Singh Klar, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as

HARPAL SINGH PARMAR
2016.05.02 10:22
I attest to the accuracy and
authenticity of this document
Chandigarh

learned Deputy Advocate General, Punjab and have gone through the record.

From the record, I find that this is second petition for grant of regular bail. The first bail petition was dismissed on merit as recovery from the petitioner falls in commercial quantity i.e. 60 Kgs. of poppy husk.

Learned counsel for the petitioner argued that now there is change of circumstances. The petitioner has been declared as juvenile and the trial is going on before the Juvenile Justice Board, Fazilka.

Keeping in view the changed circumstances and in view of the fact that the recovery is not too heavy from the petitioner and further in view of the law laid down by this Court in Gurbaj Singh alias Baja v. State of Haryana, 2007 (3) R.C.R. (Cr.) 398, wherein the juvenile was granted bail and has been stated that the bar of Section 37 of the NDPS Act is not applicable, without going into the facts in minute detail and without expressing any opinion on the merits of the case, I accept this criminal miscellaneous petition and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of ₹50,000/- and one surety in the like amount to the satisfaction of the Juvenile Justice Board, Fazilka.

April 29, 2016. **(Inderjit Singh)**
Judge

hsp

HARPAL SINGH PARMAR
2016.05.02 10:22
I attest to the accuracy and
authenticity of this document
Chandigarh