

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

(214)

CRM-M-5348-2016

Decided on: February 19, 2016.

Sunny Kumar alias Pammi

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Ms. Sarika Gupta, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

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

Petitioner along with his co-accused Sucha Singh were allegedly carrying 64 kgs of poppy-husk. On the basis of secret information, on being intercepted, the petitioner was arrested while co-accused Sucha Singh fled away from the spot.

Co-accused of the petitioner Sucha Singh has been granted concession of pre-arrest bail. Report of chemical examiner has not yet been received. No doubt, the quantity of poppy-husk is commercial quantity but whether the poppy-husk recovered would be deemed to be in possession of two co-accused jointly making both of them liable for offence under Section 15 of the NDPS Act would certainly be a debatable issue. Period of detention suffered by the petitioner w.e.f. 10.11.2015 in my opinion will certainly have a deterrent effect upon the petitioner not to commit similar offence again.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Hoshiarpur.

(M.M.S. BEDI)
JUDGE

February 19, 2016
harsha