

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

**CRM-M No.5986 of 2016 (O&M)
Date of Decision: 25.02.2016**

Asha Ram

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Balwant Singh.

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner/accused-Asha Ram in case FIR No.350 dated 19.08.2015, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Murthal, District Sonapat **(Annexure P-2).**

The name of the petitioner/accused-Asha Ram has surfaced as the supplier of the *poppy husk* to the apprehended non-applicants/co-accused, namely, Charanjeet and Sanjay Mehta on 19.08.2015 with 32 bags of *poppy husk*, each containing 25 Kgs. Subsequently, the petitioner was arrested on 20.08.2015 and a recovery of 24 Kgs. of *poppy husk* from his Car was effected.

It is contended that as per the first disclosure statement of the apprehended co-accused Charanjeet and Sanjay Mehta, the supplier of the poppy husk was named as one Pappu Yadav. The said disclosure statement was also counter-signed by the Chief Judicial Magistrate, Sonapat, however, subsequently, a second disclosure statement was allegedly made by the two apprehended accused wherein the entire story regarding the supply was

changed and the name of the petitioner has induced. It is next submitted that from the Charge-sheet dated 06.11.2015 at **Annexure P-3**, it is apparent that the petitioner has been only charged of a conscious possession of 24 Kgs. of *poppy husk* recovered from his possession on 20.08.2015.

The said recovery being non-commercial, the prayer is made out for grant of regular bail on behalf of the petitioner/accused, who is stated to be in custody since 20.08.2015.

Learned State Counsel, assisted by ASI Balwant Singh, is unable to refute the aforesaid factual position. He, however, submits that the petitioner was earlier involved in a case under the NDPS Act, although he stands acquitted in the said case.

Without commenting on the merits of the case, keeping in view the alleged recovery as per the charge-sheet being only of 24 Kgs. of *poppy husk*, custody period and the facts as noticed above, 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 CJM/Duty Magistrate concerned.

Disposed of.

February 25, 2016

Gagan

(JASWANT SINGH)
JUDGE