

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

**CRM-M No. 6724 of 2016 (O&M)**

**Date of Decision: 02.03.2016**

Dilawar Khan

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

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

Mr. Mikhail Kad, Assistant Advocate General, Punjab  
for the respondent/State assisted by HC Manohar Lal.

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**JASWANT SINGH, J. (ORAL)**

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Dilawar Khan in case FIR No. 198, dated 16.09.2015, for offences punishable under Sections 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Laddowal, District Ludhiana.

There is alleged recovery of 53 Kgs. of Poppy Husk from the petitioner-accused and co-accused-Gurmail Singh.

It is contended that recovery is marginally commercial as more than 50 Kg of Poppy Husk is notified as Commercial. It is further contended that the petitioner is in custody since 16.09.2015 and he is not involved in any other criminal case. It is also contended that similarly placed co-accused/non-applicant-Gurmail Singh has since been granted regular bail by this Court vide order dated 12.02.2016.

Learned State Counsel assisted by HC Manohar Lal admits qua the custody period of the petitioner and that the Chemical Examiner report is yet to be received and that although investigation is over, however, challan is yet to be presented. He further concedes that similarly placed co-accused/non-applicant-Gurmail Singh has since been granted regular bail.

Without commenting on the merits of the case, keeping in view the facts noticed above; parity of treatment; custody period of the petitioner and the fact that the seized contraband is marginally commercial, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

March 02, 2016

*'dk kamra'*

**( JASWANT SINGH )**  
**JUDGE**