

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

**CRM-M No.8772 of 2016 (O&M)
Date of Decision: 04.05.2016**

Balwinder Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Madan Sandhu, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Prem Chand.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail to the petitioner-Balwinder Singh in case FIR No.236 dated 09.12.2015 for the offences punishable under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station City Kharar, District SAS Nagar, Mohali.

The petitioner/accused is stated to be a Conductor of the truck, which was intercepted and a recovery of 20 Kgs. of *Poppy Husk* was effected.

It is contended that the alleged recovery is non-commercial in nature.

The petitioner is stated to be in custody since 09.12.2015 and is not involved in any other criminal case, as also investigations qua him are over.

Learned State Counsel, assisted by HC Prem Chand, concedes regarding the custody period and non-involvement of the petitioner in any other criminal case.

Without commenting on the merits of the case, keeping in view the custody period, the fact that investigations qua the petitioner are over and the quantity being non-commercial in nature, not attracting the bar provided under Section 37 of the NDPS Act, 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.

May 04, 2016

Gagan

**(JASWANT SINGH)
JUDGE**