

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

**CRM-M No.10498 of 2017
Date of Decision: 05.04.2017**

Sukhwinder Singh @ SonuPetitioner

Versus

State of Punjab ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Kanisth Ganeriwala, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl, AG, Punjab.

RAJ MOHAN SINGH, J.(ORAL)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.2 dated 05.01.2017 registered under Sections 15/61/85 of NDPS Act at Police Station Mukandpur, District SBS Nagar.

FIR was registered on the basis of secret information to the effect that the petitioner along with Purshotam were involved in supply of poppy husk. Heavy quantity of poppy husk has been kept by them in a cremation ground. Raid was conducted. Petitioner was overpowered with a quantity of 40 kgs poppy husk when he was allegedly coming out of cremation ground on 05.01.2017. On 07.01.2017, a disclosure statement of the petitioner was recorded and pursuant thereto, additional 40 kgs of poppy husk was also recovered from a place situated outside a temple.

Learned State counsel on instructions from ASI Sukhdev Singh submits that with the recovery of additional 40 kgs of poppy

husk, total recovery effected from the petitioner is of 80 kgs of poppy husk which is commercial in nature.

Learned counsel for the petitioner submits that at the first instance, 40 kgs of poppy husk was allegedly recovered from the petitioner and thereafter, on the alleged disclosure statement of the petitioner, additional 40 kgs of poppy husk was recovered from a place not in conscious possession of the petitioner. Moreover, said recovery was not witnessed by any independent person.

Learned State counsel on instructions from ASI Sukhdev Singh further submits that challan has been prepared and is yet to be filed in the competent Court.

At this stage, recovery would be on arguable note.

In view of the above, without adverting to the merits of the case, it will be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, SBS Nagar.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

05.04.2017

prince

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No