

IN THE HIGH COURT OF PUNJAB AND HARYANA,  
AT CHANDIGARH

221

**CRM-M-12834 of 2017**

Decided on : 24.04.2017

*Jeet Singh*

*... Petitioner*

*Versus*

*State of Punjab*

*.. Respondent*

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

Present : Ms.Prabhjeet Kaur, Advocate  
for the petitioner.  
Mr.V.P.S. Sidhu, AAG, Punjab.

**Darshan Singh , J. (Oral)**

The present petition has been moved by the petitioner-accused, Jeet Singh son of Mor Singh for grant of regular bail in case FIR No.52, dated 19.03.2017, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Jamalpur, District Ludhiana.

As per allegation of the prosecution, the present petitioner and his co-accused namely, Jeet Singh son of Kehar Singh were found in possession of 08 kgs of poppy husk.

Learned counsel for the petitioner contended that the previous conviction of the petitioner cannot be a ground to deny him the concession of bail in this case. The petitioner is in custody since 19.03.2017 i.e. for the last more than one month.

As per prosecution allegation, 08 kgs of poppy husk is alleged to have been recovered from the petitioner and his accused which

does not fall under the definition of commercial quantity. Thus it is contended that the petitioner is entitled to get concession of bail.

Learned State counsel pleaded that the petitioner is a previous convict as earlier he was apprehended with 17 bags of poppy husk so he does not deserve the concession of bail.

I have duly considered the aforesaid contentions.

This fact is not disputed that as per the prosecution allegation, the present petitioner and his co-accused are alleged to have been found in possession of 08 kgs of poppy husk which is admittedly not a commercial quantity. The previous conviction of the petitioner may be a ground for enhanced punishment but it cannot be a ground to deny him the concession of bail. The petitioner is in custody for the last more than one month. He is no longer required for the purpose of investigation. So his further detention in jail will not serve any purpose.

Consequently, the present petition is hereby allowed. Petitioner, Jeet Singh son of Mor Singh is ordered to be released on bail on furnishing the personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate, Ludhiana.

24.04.2017  
sd

[ **Darshan Singh** ]  
**Judge**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |