

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-21673 of 2017
Date of Decision : 07.07.2017

Prem and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: *HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL*

Present: Mr. Sandeep Kotla, Advocate for the petitioners.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Anupinder Singh Grewal, J.(Oral)

The petitioners are seeking regular bail in FIR No. 238, dated 25.03.2017, under Sections 20 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Chandni Bagh, Panipat.

Learned counsel for the petitioners contends that the allegations against the petitioners in the FIR are that the petitioners were found in possession of 8.5 kg. of Ganja leaves. The Ganja leaves when not accompanied by the tops, are not covered by the definition of Ganja under Section 2(iii)(b) of the Narcotic Drugs and Psychotropic Substances Act. The commercial quantity even of Ganja is 20 kg. under the Narcotic Drugs and Psychotropic Substances Act. Learned counsel further contends that the petitioners are in custody for over three and half months and are not involved in any other case.

I have heard learned counsel for the parties.

The petitioners have been found to be in possession of 8.5 kg.

Ganja leaves, which if they are not accompanied by the tops, are not covered under the definition of Ganja in Section 2(iii)(b) of the NDPS Act. The petitioners have been in custody for over three and half months.

Consequently, without expressing any opinion on the merits of the case, the petition is allowed and the petitioners shall be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

July 07, 2017
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No