

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27795 of 2017
Date of Decision: 08.08.2017

Sandeep Singh @ Seepa

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Sidhu, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.61 dated 12.04.2017 registered for offences punishable under Sections 15 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Nehianwala, District Bathinda.

Heard.

Notice of motion.

On asking of the court, Mr. Ajay Pal Singh Gill, DAG, Punjab, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, recovery of a bag containing 25 kgs. of poppy-husk, which was weighed alongwith bag, was effected from the petitioner. From his co-accused, namely, Sewak Singh, recovery of another bag containing 28 kgs. of poppy-husk, including weight of the bag, was effected.

Learned State counsel submits that total recovery from petitioner and his co-accused-Sewak Singh is of 53 kgs. of poppy-husk, which falls in the category of commercial quantity. Both, the petitioner and his co-accused, were travelling in a car, as such, are presumed to be in conscious possession of the entire quantity of poppy-husk.

Poppy-husk was weighed alongwith bags. No separate weight of bags has been mentioned. It is for the trial Court to determine on the strength of evidence produced before it as to whether quantity recovered from petitioner falls in the category of commercial quantity or whether petitioner and his co-accused-Sewak Singh were in conscious possession of entire quantity of poppy-husk.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sandeep Singh @ Seepa is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

(c) He shall not leave the country without the previous permission of the Court.

August 08, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No