

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-33422 of 2017
Decided on : 15.09.2017

Sukhraj @ Sukha

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Amandeep Saini, Advocate, for the petitioner.

Ms. Rajni Gupta, Senior Deputy Advocate General,
Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.23 dated 15.02.2017 under Sections 15/29 of NDPS Act registered at Police Station Balachaur, SBS Nagar.

Learned counsel for the petitioner contends three bags weighing 54 kgs of poppy husk in all, were recovered from the petitioner and three other accused. He further states that if the weight of bag is excluded, it is possible that the contraband itself would be of less quantity than 50 kgs which is threshold of the commercial quantity.

Learned counsel further contends that petitioner is in custody for almost seven months since the date of his arrest on 15.02.2017 and is not involved in any other case. He further states that although charges have been framed in the instant case, but no prosecution witness has been examined yet.

To support his contentions, he has placed reliance

upon the judgment of a co-ordinate Bench of this Court in the case of *"Bharat Khanna v. State of Punjab"* passed in *CRM No. 2435 of 2017 decided on 08.05.2017*, wherein it had directed the release of petitioner therein on regular bail, who had undergone 08 months of custody and from whom 54 kgs of poppy husk was recovered.

Learned State counsel, upon instructions from ASI Joginder Singh, states that charges have been framed in the case and the matter is now fixed for recording of prosecution witnesses which are 12 in number and is listed on 25.09.2017.

Heard.

54 kgs of poppy husk in all has been recovered from the petitioner and three other accused which is marginally higher than the commercial quantity of 50 kgs. The prosecution witnesses are yet to be examined and the conclusion of trial is likely to take some time. The petitioner is in custody for almost seven months. I deem it a fit case to allow the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. Petitioner Sukhraj @ Sukha is ordered to be released on bail on his furnishing bonds to the satisfaction of trial Court/Duty Magistrate.

(ANUPINDER SINGH GREWAL)
JUDGE

September 15, 2017
kanchan

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>