

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-40022 of 2017

Date of Decision: 02.11.2017

Bhagirath

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. D.N. Ganeriwala, Advocate and
Ms. Mehak Sharda, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.63 dated 01.05.2017 under Sections 15/16/27A NDPS Act registered at Police Station Ding, District Sirsa.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he was found in possession of 51 kgs. of poppy husk in three different bags. One bag contained 11 kgs. of poppy husk whereas the other two bags contained 20 kgs. of

poppy husk each. Thus, in case the weight of all the gunny bags is excluded, the total quantity of the poppy husk shall be less than 50 kgs. which shall fall in non-commercial category. He further submits that though there is another case pending against the petitioner i.e. FIR No.163 dated 25.7.2012 registered at Police Station Bhuna, District Fatehabad, for offence under Sections 307, 420, 427 IPC and Sections 15, 25 and 27A NDPS Act, but in that case, he is already on bail. He further submits that the petitioner is in custody since 1.5.2017 and since trial in the case will take sufficiently long time, he be admitted on bail.

On the other hand, learned State counsel, on instructions from ASI Sukhdev Singh, does not dispute the custody of the petitioner as well as the fact that in another case i.e. FIR No.163 dated 25.7.2012 registered at Police Station Bhuna, District Fatehabad, he is on bail. Learned State counsel is fair enough to submit that no prosecution witness has been examined so far.

Having heard learned counsel for the parties and considering the total quantity of the poppy husk allegedly recovered from the petitioner coupled with the fact that no prosecution witness has been examined so far, this Court feels that no useful purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed. The petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

Needless to say that the observations made hereinabove shall not be construed as any expression on the merits of the case.

November 02, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?	Yes / No
Whether reportable?	Yes / No