

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

(Sr. No.260)

CRM-M-41317-2016

Date of Decision:-April 17, 2017

Arun Kumar @ Sunny @ Shanky

.....Petitioner

V/S

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. D.S. Virk, DAG Punjab.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the rival parties.

In FIR No.57 dated 08.06.2015 registered under Section 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Badhni Kalan, District Moga, the petitioner was arrested on 08.01.2016 and is in jail since then. It is not in dispute that the petitioner was not apprehended at the spot and the case of prosecution is that the accused was carrying 110 Kgs. of poppy husk but it was recovered from Rickshaw.

Learned counsel for the State submits that there are two more cases under NDPS Act against the petitioner.

In my opinion, looking to the quantity of 110 Kgs. of poppy husk but the same was not recovered from the petitioner but was recovered from the Rickshaw, hence, the petitioner would be entitled to grant of bail. The petitioner-Arun Kumar @ Sunny @ Shanky is ordered to be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

(A.B. Chaudhari)
Judge

April 17, 2017

Pankaj

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No