

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

CRM-M-7950 of 2017 (O&M)

Date of decision: 16.03.2017

Parminder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S. Verma, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 324 dated 03.12.2015, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Salem Tabri, District Ludhiana.

It is contended that as per FIR, the recovery of 200 kgs of poppy husk was allegedly effected from the truck driven by the petitioner. The truck in question is owned by father of the petitioner. It is asserted that the contraband was not recovered from the conscious possession of the petitioner and he was not aware of the contraband lying in the truck as there were three other co-passengers. He further states that in case the quantity of contraband is equally divided

amongst all the accused then the quantity becomes non commercial. The petitioner is not involved in any other FIR and he is in custody since 03.12.2015.

On the other hand, the learned State counsel opposes the prayer of bail and states that 200 kgs of poppy husk was recovered from the conscious possession of the petitioner, which is a commercial quantity. The petitioner was driver of the truck owned by his father. However, he fairly admits that the petitioner is not involved in any other FIR.

I have heard learned counsel for the parties and perused the record.

It is debatable whether the quantity is commercial or otherwise. Considering the fact that the petitioner is in custody since 03.12.2015 and he is not involved in any other FIR; the challan stands presented, however, the charges have not yet been framed, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

16.03.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No