

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM-M-11469-2018

Date of Decision: 06.04.2018

Bhola Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Bikramjeet Singh Jatana, Advocate,
for the petitioners.

Mr. Jasdeep Singh Walia, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioners-Bhola Singh and Sukhdev Singh (shown in the FIR as Baggi Singh) have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.32 dated 25.02.2018, registered at Police Station Sardulgarh, District Mansa, under Sections 15 and 16 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, recovery effected from the petitioners was 5 kgs of green poppy plants which after dry came to be 1 kg of poppy husk. The petitioners were not apprehended at

the spot.

In pursuance of the interim order dated 19.03.2018 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending them to custody. Otherwise also, recovery effected from the petitioners does not fall in commercial quantity.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 19.03.2018, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

06.04.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No