

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

**CRM-M-24897-2018  
Date of decision: 27.09.2018**

**Saudagar Khan**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Dixit Garg, Advocate  
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 024 dated 28.03.2018, registered under Sections 18/15/61/85 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Bakhshiwala, District Patiala.

Learned counsel for the petitioner has placed on record photocopy of the FSL report dated 17.05.2018, issued by the FSL, S.A.S. Nagar. A perusal of this report shows that though the quantity of the sample is mentioned as *500 grams of dried greenish brown coloured plant material having dried twigs, leaves and pods*, however, while mentioning the final report, it is only stated that the *poppy plant has been found present in the content of the parcel*, however, the percentage of the quantity has not been mentioned therein. Learned counsel for the petitioner has thus argued that there is recovery of 6 kgs. of poppy husk plant and in the light of the FSL report, it cannot be held, at this stage, that the recovery was of commercial

quantity.

Learned counsel for the petitioner has further argued that the petitioner is a first offender and he is not involved in any other case. It is also submitted that the petitioner has undergone a period of 05 months and 27 days in custody.

Learned State counsel filed custody certificate which is taken on record. As per custody certificate, the petitioner is in judicial custody since 29.03.2018 and he is not involved in any other case. Learned State counsel, on instructions from ASI Manjit Singh, submits that the case is now fixed for prosecution evidence.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the report of the FSL; the petitioner is in judicial custody since 29.03.2018; he is not involved in any other case and also in view of the fact that trial is likely to take some time; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

**September 27, 2018**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*