

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

**CRM-M No.34595 of 2018
Decided on: 16.08.2018**

Ravinder

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.224 dated 02.05.2018, for offence punishable under Section 15/29/61/85 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Shahabad, District Kurukshetra.

Counsel for the petitioner has submitted that as per the allegation in the FIR, the police party had seen a person, who was holding a polythene bag and on seeing the police party, he started walking in the opposite direction and the polythene bag carried by him fell on the road and the poppy husk scattered on the road, which was collected by the police party. It is further submitted that the recovery is of 02 Kgs of poppy husk and the petitioner is in custody since 02.05.2018, the challan has been presented and the FSL report is still awaited.

Counsel for the State, on instructions from SI Balbir Singh, has not disputed the factual position, however, opposed the prayer for bail on the ground that the petitioner was earlier convicted in a case under the NDPS Act, pertaining to an FIR registered in the year 2013.

Without commenting anything on merits of the case and considering the fact that the recovery is of intermediate quantity and in the earlier FIR pertaining to the 2013 year, the petitioner is on bail and also in view of the fact that the contraband, at the time of recovery, was lying scattered on the road, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.08.2018

yakub

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