

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-35526-2018

Date of decision: 23.08.2018

Rishal Singh @ Rishala

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 439 Cr.P.C., petitioner-Rishal Singh @ Rishala, has prayed for grant of regular bail in case FIR No. 101 dated 01.03.2018 registered under Section 15 of the Narcotic Drugs and Psychotropic Substance Act (for short- 'the Act') at Police Station Ratia, District Fatehabad.

2. Learned counsel *inter alia* contends that FSL report has not been received qua 85 kgs of poppy husk allegedly recovered from the petitioner. Therefore, at this stage, it cannot be said that the petitioner was carrying some contraband. He prays that petitioner may be granted bail till the receipt of FSL report.

3. Learned State counsel fairly admits that the FSL report has not yet been received.

4. Till the FSL report is received, it cannot be presumed that the aforesaid poppy husk recovered from the petitioner falls within the definition of “narcotic substance/contraband” under the Act. Therefore, without expressing any opinion on the merits of the case, the petitioner is granted interim bail till the date of receipt of FSL report, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

5. The instant petition stands disposed of, accordingly.

August 23, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No