

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-43634-2018

Date of Decision: 08.10.2018

Jassa and another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. KS Dhaliwal, Advocate for the petitioners.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioners- Jassa and Mahalu Ram, have prayed for grant of regular bail in case FIR No. 153 dated 28.08.2018 registered under Section 15 of the Narcotic Drugs and Psychotropic Substance Act (for short- 'the Act') at Police Station Titram, District Kaithal.

According to the prosecution, 47 kilograms of poppy husk was recovered from the conscious possession of the petitioners.

Learned counsel *inter alia* contends that FSL report has not been received qua alleged recovery from the petitioners. Therefore, at this stage, it cannot be said that the petitioners were carrying some contraband. He prays that petitioners may be granted bail till the receipt of FSL report.

Learned State counsel fairly admits that the FSL report has

not yet been received.

Till the FSL report is received, it cannot be presumed that the recovery of aforesaid contraband from the petitioners falls within the definition of “narcotic substance/contraband” under the Act. Therefore, without expressing any opinion on the merits of the case, petitioners- Jassa and Mahalu Ram, are granted interim bail till the date of receipt of FSL report, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The instant petition stands disposed of, accordingly.

October 08, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No