

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-45758-2018

Date of Decision: 25.10.2018

Malkeet Singh @ Ravi

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Varinder Basa, Advocate for
Mr. Karanjit Singh, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-
Malkeet Singh @ Ravi, has prayed for grant of regular bail in case FIR
No. 77 dated 24.02.2018 registered under Sections 15, 18 and 29 of the
Narcotic Drugs and Psychotropic Substance Act (for short- 'the Act') and
Sections 180 and 201 IPC at Police Station Sadar Thanesar, District
Kurukshetra.

According to the prosecution, on 24.02.2018, the petitioner
along with his co-accused Kulwinder Singh @ Kinda, were found in
conscious possession of 15 Kgs of opium and 28 Kgs of poppy straw kept
in truck bearing registration No. PB-23-J-5644, being driven by
Kulwinder Singh @ Kinda. The petitioner was working as a cleaner on
the aforesaid truck.

Learned counsel *inter alia* contends that FSL report has not been received qua alleged recovery from the petitioner and his co-accused. Therefore, at this stage, it cannot be said that they were carrying some contraband. He prays that petitioner 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 petitioner and his co-accused falls within the definition of “narcotic substance/contraband” under the Act. Therefore, without expressing any opinion on the merits of the case, petitioner-Malkeet Singh @ Ravi, 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.

The instant petition stands disposed of, accordingly.

October 25, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No