

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

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**CRM-M No.48448 of 2018.
Date of Decision: 15.12.2018.**

Amrik Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Ankur Pandey, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code has been filed for grant of regular bail to the petitioner in case F.I.R. No.6 dated 09.01.2018 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar, Patiala, District Patiala.

The petitioner was allegedly found to be in possession of 60 kg poppy husk.

Learned counsel representing the petitioner contended that on 09.01.2018 recovery of 40 kg poppy husk was effected from the possession of Sandeep Singh, who was driving the car. Subsequently, recovery of 60 kg poppy husk was effected from the possession of present petitioner from Manjal Beerch, Patiala on the basis of disclosure statement made by co-accused.

Learned counsel further contended that the petitioner has been falsely implicated in this case and while placing reliance upon the testimony

of co-accused, the present petitioner cannot be implicated in this case.

Learned State counsel placed on record the custody certificate and on instructions from Sub Inspector Manjit Singh, contended that alleged recovery was initially effected from Sandeep Singh from a car and thereafter on 24.02.2018, 60 kg poppy husk was recovered from the possession of the present petitioner from Manjal Beerch, Patiala and there is no other case against the present petitioner.

At this stage, without commenting anything on the merits of the case and taking into consideration the fact that the petitioner was not apprehended at the spot and he is in custody since 26.02.2018, trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bar any more, the present petition is allowed. The petitioner is ordered to be admitted on regular bail on furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

15.12.2018
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No