

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-50217-2018

Date of Decision:21.11.2018

Kulbir Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Raj Kumar Gupta, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.40 dated 12.08.2018 under Section 15 of the NDPS Act, 1985, registered at Police Station Special Task Force, District SAS Nagar, Mohali.

Learned counsel for the petitioners states that the alleged recovery is 52 kgs. of poppy husk, which includes weight of the bag and in case weight of the bag is excluded, the quantity of contraband will come to 50 kgs, which falls under non-commercial quantity. There is no other case against the petitioners and they are in custody since 12.08.2018.

Learned State Counsel on instructions from ASI Baljit Singh does not dispute the custody period and states that 52 kgs. of poppy husk was recovered from the possession of the petitioners, which falls under commercial quantity. However, he states that no other case has been

pointed out against the petitioners.

I have heard learned counsel for the parties.

Considering the fact that the petitioners are in custody since 12.08.2018 and the alleged recovery is 52 kgs. of poppy husk, which includes the weight of the bag and after excluding weight of the bag, this Court finds that weight of the contraband comes to about 50 kgs, which is non-commercial quantity, coupled with the fact that trial in the case is likely to take long time, I deem it appropriate to admit the petitioners on regular bail.

Accordingly, the present petition is allowed and the petitioners are admitted on regular bail, subject to furnishing of their bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that in case the petitioner are found indulged in any other case under the NDPS Act, the prosecution would be at liberty to seek cancellation of their bail.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case.

November 21, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No