

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.203

CRM-M-5313-2018
Date of decision : 08.03.2018

Rahis Khan and another

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Mamli, Advocate, for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioners seek regular bail in case FIR No.523 dated 14.10.2017, registered at Police Station Shahabad, District Kurukshetra, under Section 15/29/61/85 of NDPS Act, 1985.

Learned counsel for the petitioners contend that 55 kilograms of poppy-husk was allegedly recovered from the petitioners, which is only marginally higher than commercial quantity. He submits that investigation in this case is complete as the challan has already been presented and charge has also been framed. However, the trial has not commenced as yet and the completion of the trial will take some time and no useful purpose would be served by keeping the petitioners in custody indefinitely.

On the other hand, learned State counsel submits that the recovery is of commercial quantity and Section 37 of the NDPS Act, 1985, bars the grant of bail in such cases. The FSL report has been received and contraband recovered has been proved to be poppy-husk.

Therefore, the petitioners are not entitled to grant of bail. On a query being put by the Court, it is admitted that the trial has not yet commenced and that there is no other criminal case pending against either of the petitioners.

Keeping in view the totality of the facts and circumstances of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the trial Court concerned at Kurukshetra.

(SUDHIR MITTAL)
JUDGE

08.03.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No