

**IN THE HIGH COURT OF PUNJAB AND HARYANA**

**AT CHANDIGARH**

**Criminal Misc. No.M-54210 of 2018**

**Date of Decision: 13.12.2018**

Preetpal alias Pritpal

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Gurpal Singh Sandhu, Advocate  
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.  
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**HARI PAL VERMA, J. (Oral)**

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.151 dated 01.10.2018 under Section 15 of the NDPS Act registered at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the alleged recovery effected from the possession of the petitioner along with co-accused Gurnam Singh is 10 kgs. of poppy husk. The petitioner was a pillion rider on the motorcycle which was being driven by co-accused Gurnam Singh. He is in custody since 01.10.2018. He further submits that though two more FIRs i.e. FIR No.147 dated 17.08.2014 and FIR No.232

dated 05.11.2017 under Section 15 NDPS Act have been registered against the petitioner, but in those cases, the alleged recoveries made from the petitioner are 9 kg and 2 kg of poppy husk, which falls in small quantity.

Learned State counsel submits that since two more FIRs have been registered against the petitioner, he is not entitled for bail.

I have heard learned counsel for the parties.

No doubt, two more cases i.e. FIR No.147 dated 17.08.2014 and FIR No.232 dated 05.11.2017 under Section 15 NDPS Act have been registered against the petitioner, but in those cases the alleged recoveries effected from the petitioner are 9 kg and 2 kg of poppy husk respectively, which falls in small quantity. Considering the fact that the alleged recovery made from the petitioner along with co-accused Gurnam Singh is 10 kg. of poppy husk and he is in custody since 01.10.2018 and trial in the case will take sufficiently long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

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

However, it is made clear that henceforth in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

December 13, 2018  
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( HARI PAL VERMA )  
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No