

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2192-2019 (O&M)
Date of Decision:- 26.3.2019

Inam ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Man Mohit Malik, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.255, dated 11.6.2018, registered at Police Station Rai, District Sonipat (Haryana), under Section 20 of NDPS Act.
- 2 It is the case of prosecution that on 11.6.2018, a secret information was received by the police to the effect that a boy was coming from Sonipat on his motorcycle bearing registration No.HR-14C-9835 who was carrying "Ganja Patti" on his motorcycle. Pursuant to receipt of said information, barricading was held and a motorcyclist who was carrying a gunny bag on his motorcycle was stopped who upon

inquiry disclosed his name as Inam. A search of the bag carried by him yielded recovery of 19.900 KG of “Ganja Patti”.

3. Learned counsel for the petitioner has submitted that “Ganja Patti” cannot be called as a contraband and in this context has referred to the definition of ‘Ganja’, as described in Section 2 (iii)(b) of NDPS Act, which reads as follows:

iii. “cannabis (hemp)” means –

a

b ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; and

4. On the other hand, learned State counsel while opposing the petition has submitted that although in the FIR, the recovered contraband is referred to as “Ganja Patti” but the report of the FSL clearly shows that the same included Flowering/fruiting tops and seeds of the plants and which would clearly fall within the definition of ‘Ganja’. It has however, been informed that till date not even a single witness out of the cited 10 PWs has been examined although challan has already been filed.
5. Having considered rival submissions addressed before this Court and while bearing in mind the fact that the recovered contraband contains fruiting tops of the plants but in any case would fall within intermediate quantity i.e. less than ‘Commercial Quantity’ and also

that the petitioner has been behind bars since the last more than 10 months and not even a single PW has been examined, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner-Inam is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. This petition stands accepted accordingly.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

March 26, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No