

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

220

CRM-M-15751-2019.

Date of Decision: 17.07.2019.

Dharminder

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner- Dharminder son of Banwari Lal in case F.I.R. No.161 dated 26.09.2018 under Section 15/29 of the N.D.P.S. Act, registered at Police Station Sadar, District Jalandhar, who is in custody since 26.09.2018 for having possession of 52 kg of poppy husk.

Learned counsel representing petitioner contended that the alleged recovery from the petitioner is 52 kg of poppy husk which is marginally above the quantity prescribed for commercial quantity to be 50 kg. Moreso, weighment of the substance was allegedly done alongwith plastic bags and that has not been excluded and if the same are excluded, the recovery would not fall under commercial quantity. The trial of the case still to take some more time and no useful purpose would be served by detaining

Learned State counsel affirmed the fact that alleged recovery of 52 kg of poppy husk and weighment having been done with plastic bags.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 26.09.2018 and the alleged recovery of 52 kg of poppy husk is marginally above the prescribed standard of commercial quantity and the weighment was done alongwith the plastic bags; the trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Dharminder, is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

17.07.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No