

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20432-2019

Date of decision: 09.05.2019

Ranjeet Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Thind, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.93 dated 22.03.2019 under Section 18 of NDPS Act (for short 'the Act'), registered at Police Station Rania, District Sirsa.

Learned counsel for the petitioner submits that as per allegations in the FIR, recovery from the petitioner is of 13 kg 235 grams of opium plants. It is further submitted that it will be debatable issue whether Section 50 of the Act was complied with in the case or not. Learned counsel has relied upon the order dated 05.10.2016 passed in **CRM-M-15417-2015 (Gurcharan Singh Vs. State of Haryana)**, wherein this Court has held that in terms of Section 20 of the Act, no separate provision has been made in the notification with regard to cannabis plant and cannabis and on drawing an analogy with the provision relating to opium poppy, it is held that for the seizure of cannabis plant also, the quantity

would fall under non-commercial quantity, despite the fact that there is no provision in the schedule. Learned counsel further submits that recovery from the petitioner would be of non-commercial quantity, as also held in order dated 28.03.2018 passed in **CRM-M-11061-2018 (Tarsem Singh Vs. State of Punjab)**, on similar facts.

Learned State counsel has filed the custody certificate and as per this custody certificate, the petitioner is in custody for the last 01 month and 17 days and is not involved in any other case.

Without commenting anything further on merits of the case, in view of aforesaid orders passed by this Court, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

09.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No