

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

**CRM No.M-26866 OF 2019
DATE OF DECISION : 28.06.2019**

Dara Singh and another

...Petitioners

versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. K. S. Brar, Advocate,
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Through the instant petition, the petitioners are seeking anticipatory bail in case FIR No. 32 dated 12.04.2019 under Section 15 of Narcotic Drugs and Psychotropic Substances act, 1985 registered at Police Station Bahawwala, District Fazilka.

2. Learned counsel for the petitioners submits that the green poppy plants which were recovered from the kitchen garden of the petitioners' house during a raid conducted by the police, were not being grown in his kitchen garden and the said garden belongs to his brother who lives on the adjoining plot. Per contra, Learned State counsel, under instructions, submits that the petitioners and their co-accused brother are living in a joint house.

3. Learned State counsel submits that after an enquiry, it has been found that it is a common plot where all the three brothers have a joint house. He submits that one of the brother/co-accused Kabal Singh was arrested during investigation but he has since been released on regular bail by

Court of Sessions, Fazilka.

4. Learned State counsel submits that Forensic Science Laboratory report is still awaited and filing of challan is likely to take some time.

5. Without going into the rival contentions as noted above, suffice to state that the quantity of poppy plants recovered from the kitchen garden is 10.5 kgs and the same is concededly below the commercial quantity under the NDPS Act.

6. The petitioners are directed to join the investigation and present themselves before the Investigating Officer and shall provide requisite information/documents and cooperate in recording their statement, if so warranted by the Investigating Officer. In the event of their arrest, they are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Officer. They shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

28.06.2019

harish kumar

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No