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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34161-2019

Date of decision-28.08.2019

Amit Lal @ Amrit Lal

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lalit Pathak, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
ASI Tohsham Lal.

MANOJ BAJAJ, J.

Petitioner-Amit Lal @ Amrit Lal has prayed for grant of regular bail in case FIR No.98 dated 17.08.2018 registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Khanauri, District Sangrur, Punjab.

On 17.08.2018, when the Police party was on patrol duty at Ghaghar Birdge, a secret information was received that in Truck No.PB-10-GK-3999, Mohd. Anwar, Amit Lal (petitioner) and Shanker Singh were coming who were involved in business of selling poppy husk and upon raid they can be apprehended. After completion of formalities, Police acted upon this information and apprehended the said truck. Recovery of 95 k.g. of poppy husk was effected from driver of the truck.

Learned counsel for the petitioner contends that the investigation is complete and charges were framed on 13.02.2019, however, no witness has been examined till date. It is pointed out that the case was

adjourned for nearly 14 times for recording the prosecution evidence, but not even a single witness has been examined.

On the other hand, learned State counsel assisted by ASI Tohsham Lal opposed the bail application on the ground that the recovery falls within the commercial quantity, however, it is not disputed that the petitioner is not involved in any other case much less of the similar nature. He submits that in all there are 19 witnesses to be examined on behalf of the prosecution.

Considering the above background, particularly the fact that the trial is yet to make headway, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Sangrur.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

28.08.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No