

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

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CRM-M-34616-2019 (O & M)
Date of Decision:29.08.2019

Pargat Singh @ Kala and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar Passi, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.104 dated 26.09.2018, under Sections 15 and 25 of the NDPS Act, 1985, registered at Police Station Lohian, District Jalandhar Rural, Punjab.

The prosecution case is that 55 kgs of poppy husk was recovered from one Bolero vehicle of white colour bearing registration No.PB-08-CA-1907 in which both the petitioners along with one Satpal alias Pal were travelling.

Learned counsel for the petitioners contends that the alleged recovery of contraband is marginally over and above of the non-commercial quantity which contains the weight of 2 bags as well. It is pointed out that only one witness has been examined out of total 10 witnesses and the petitioners are languishing in jail for the last one year. He further submits that there is no other case against the petitioners.

On the other hand, learned State counsel assisted by SI Balbir has opposed the bail application on the ground that the recovered contraband falls within the commercial quantity, which is marginally above the non-commercial quantity. According to him, petitioner No.1 is owner of the vehicle from where the alleged contraband was recovered. However, it is not disputed that only one witness has been examined so far by the prosecution.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioners may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

29.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No