

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

218

CRM-M-37718-2019 (O & M)
Date of Decision:11.09.2019

Gulshan Kumar @ Kakku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.112 dated 18.06.2019, under Sections 15/61 of NDPS Act, 1985, registered at Police Station Sadar Ambala, District Ambala.

As per the prosecution, the police acted upon a secret information and stopped a vehicle bearing registration No.PB-08-CL-3121, which belongs to accused Balbir Singh and was coming from the side of Ambala. The vehicle was driven by accused Balbir Singh whereas Gulshan @ Kaku was occupying the passenger seat. The third accused namely Sunny was on the rear seat. After completion of formalities, 31 kgs of Poppy Husk was recovered, which was contained in two plastic bags. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that the quantity

recovered falls within the non-commercial quantity and the investigation of

the case is complete and not even a single witness has been examined so far. According to him, he is not involved in any other case of similar nature and has prayed for grant of regular bail.

On the other hand, learned State counsel has opposed the bail application. However, it is not disputed that the recovered contraband falls within non-commercial quantity and investigation of the case is complete..

Considering the above background and the fact that the trial is likely to take some time, 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 concerned.

The petition is allowed.

11.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No