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

CRM-M-45776 of 2019

Date of decision: November 28, 2019

Sandeep Kumar alias Deepu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Paramjit Singh Jammu, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.0273 dated 16.09.2019, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Sadar Dabwali, District Sirsa.

As per prosecution case, 48 kg. poppy-husk was recovered from the possession of the petitioner as well as his co-accused, namely Sunil Kumar.

Contentends that the petitioner is in custody since 16.09.2019 and recovery of the contraband is stated to be 48 kg. of poppy-husk from two persons. Also contends that there is no other criminal case pending against the petitioner and investigation is already over, but on account of non-receipt of Forensic Science Laboratory (FSL) report, charge(s) have

not been framed so far.

The above factual position is duly acknowledged by the learned State counsel, on instructions from police official present in Court to assist him.

Heard both sides and perused the paper-book.

Since the recovery of the contraband, in this case, is less than commercial quantity, i.e. 48 kg. poppy-husk and that too from two accused; thus, the embargo of Section 37 of the NDPS Act would not be attracted. Investigation is already over and charge(s) are yet to be framed, therefore, the trial will take sufficient long time and further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

November 28, 2019
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Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No