

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

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CRM-M No.49410 of 2019 (O&M)
DATE OF DECISION : 5th DECEMBER, 2019

Tashwar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.819 dated 24.08.2019 registered under Section 15 of the Narcotics Drugs & Psychotropic Substances Act, at Police Station Chandnibagh, District Panipat.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the alleged recovery from the petitioner is less than the commercial quantity of popy husk. There is no other case against the petitioner. The challan has already been filed. Therefore the petitioner is not required for any investigation purpose. The petitioner is in custody since 24.08.2019 Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, on instructions, submits that the petitioner has been found in possession of

50 Kg of poppy husk. Hence, the recovery from the petitioner is very heavy. However, it is not disputed that the said recovery falls in the category of non-commercial quantity and that the petitioner is in custody since 24.08.2019 and further that there is no other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

5th DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No