

CRM-M-54681-2018

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

CRM-M-54681-2018

Date of Decision: 02.05.2019

Baljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Ms. Bably Kumari, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.41 dated 29.05.2017, registered at Police Station Badhni Kalan, District Moga, under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the Act').

Notice of motion was issued. Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

At the time of arguments, learned counsel for the petitioner

CRM-M-54681-2018

argued that as per the prosecution version, 15 bags of poppy husk each containing 35 kg. was recovered in this case, but the FIR has been registered against the Investigating Officer also on the allegation that he had mixed the cattle feed in the poppy husk and misappropriated the original poppy husk, meaning thereby the original poppy husk is not there.

On the other hand, learned State counsel argued that though the FIR was registered against the Investigating Officer, yet the sample from the case property was sent to the FSL. The samples were sent at the time of recovery as well as even after registration of the case against the Investigating Officer. In both the samples, the poppy husk was found.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, I find that recovery effected in this case falls in commercial quantity and Section 37 of the Act bars the grant of bail to the accused in case of commercial quantity.

Therefore, finding no merit in the present petition, the same is dismissed.

02.05.2019
parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No