

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

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**CRM-M No. 52449 of 2019
Date of decision : 16.12.2019**

Sarik

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. M.S. Chauhan, Advocate, for the petitioner
Mr. Chetan Sharma, AAG, Haryana

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 24.8.2019, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), Police Station Chandnibagh, District Panipat.

It is contended by learned 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 poppy 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 24.8.2019. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, being instructed by police official, submits that the petitioner has been found in possession of 50 kgs. 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 24.8.2019 and further that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

16.12.2019

Ashwani

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