

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2704 of 2020

DATE OF DECISION: JANUARY 27, 2020

RAJ KUMAR @ RAJA AND ANOTHER ...PETITIONERS

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. GHUMMAN, ADVOCATE FOR THE PETITIONERS.
MR. PRABHJOT SINGH WALIA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Raj Kumar @ Raja and Arjan Singh @ Gora have prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.107 dated 9.7.2019, under Section 15 of NDPS Act, 1985, Police Station Adampur, District Jalandhar Rural. The petitioners are in custody since their arrest on 9.7.2019.

As per the case of the prosecution, an information was received by the Police of Police Post of Jandu Singha that in a black Scorpio vehicle bearing No.JK01G 8232, accused Raj Kumar @ Raja and Arjan Singh were bringing heavy quantity of poppy husk. Acting upon the information, barricading was done on the road and the said vehicle was stopped. Upon search, two heavy bags were recovered from behind the rear seats of the said vehicle wherein poppy husk, weighing 26 kgs. in each bag was found.

Learned counsel for the petitioners contends that the alleged recovery of 52 kgs. of poppy husk is slightly above the non-commercial

quantity, i.e. 50 kgs. which contains the weight of the bags as well, wherein it was stored. He submits that the investigation of the case is complete and the trial would take considerable time. He submits that the petitioners are not involved in any other case much less of the similar nature.

Learned State counsel assisted by ASI Harvinder Singh does not dispute the fact that investigation of this case is complete and the petitioners are not involved in any other case.

After hearing the learned counsel for the parties, this Court is of the opinion that the trial of the case is likely to consume considerable time, therefore, further custody of the petitioners may not be justified, who are not required for any interrogation and confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 27, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No