

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

216

**CRM-M No.3632 of 2020
Date of decision:11.2.2020**

DHARMINDER KUMAR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.P.S.Sekhon, Advocate
for the petitioner.

Mr.J.S.Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

This petition has been filed under Section 439 Cr.P.C.
for grant of regular bail in case bearing FIR No.169 dated
26.9.2019 registered under Sections 15 and 25 of the NDPS Act
at Police Station Dakha District Ludhiana (Rural).

The alleged recovery is of 54 kgs of poppy husk from
two persons and an amount of Rs.2,50,000/- and one
motorcycle have been recovered from the petitioner.

Learned counsel for the petitioner, by relying upon
Shinda vs State of Punjab, 2013(3) RCR (Criminal) 557 and
Lakhwinder Singh @ Bittu vs State of Punjab, 2012(22) RCR
(Criminal) 301, submitted that the case of the petitioner can be

considered for grant of regular bail as the alleged recovery is slightly more than the quantity prescribed for non commercial quantity.

Learned State counsel, on instructions from ASI Hardeep Singh, however, opposed the bail on the ground that the recovery is of commercial nature.

Challan has been presented. Charges have not been framed so far.

At this stage, in view of nature of contraband recovered, which is marginally in excess of the quantity prescribed for non commercial quantity, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 11, 2020

anita

Whether reasoned/speaking**Whether reportable****(RAJ MOHAN SINGH)
JUDGE****Yes/No****Yes/No**