

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5239-2020 (O&M)

Date of Decision: 12.02.2020

Raj Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashok Giri, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.107 dated 9.7.2019, under Section 15 of NDPS Act, 1985, Police Station Adampur, District Jalandhar Rural. The petitioner is in custody since his 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, Arjan Singh and Raj Kumar 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 petitioner contends that the alleged recovery of 52 kgs. of poppy husk is marginally 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 Charges have been framed on 17.10.2019 and the trial would take considerable time. He submits that the petitioner is not involved in any other case muchless of the NDPS Act. He further relies upon the order dated 27.01.2020 (Annexure P-1), whereby this Court granted bail to co-accused Raj Kumar @ Raja and Arjan Singh @ Gora.

On the other hand, learned State counsel assisted by ASI Jaginder Singh has opposed the prayer on the ground that the commercial quantity of the contraband was recovered from the petitioner. However, he does not dispute the fact that the charges have been framed and the petitioner is not involved in any other case. It is also not disputed that co-accused of the petitioner have been granted the concession of regular bail by this Court.

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 petitioner may not be justified, who is 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 petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Jalandhar.

The petition is allowed.

12.02.2020

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No