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

**CRM-M No.6895 of 2020
Date of Decision: 25.02.2020**

OM PARKASH @ BABU @ RAJA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.60 dated 22.07.2019, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Raikot, District Ludhiana.

It is not in dispute that co-accused Manjit Singh @ Gopi has already been granted regular bail by this Court vide order dated 06.02.2020 passed in CRM-M No.4592 of 2020.

56 kgs. of poppy husk has been recovered from four accused namely Bobby Singh, Manjit Singh @ Gopi, Inderjit

Singh @ Baba and Om Parkash @ Babu @ Raju. Two bags containing the poppy husk were recovered. On weighment, in one bag 29 kgs. and in another 27 kgs. of poppy husk was recovered.

Learned counsel for the petitioner submitted that the recovered contraband is marginally in excess of the quantity prescribed for non-commercial quantity. Learned counsel relied upon **Shinda vs. State of Punjab, 2013(3) R.C.R. (Criminal) 557** and **Lakhwinder Singh @ Bittu vs. State of Punjab, 2012 (22) R.C.R. (Criminal) 301.**

Learned State counsel on instructions from SI Gurtar Singh however opposed the same on the ground that the recovered contraband is commercial in nature. Challan has been presented and charges have been framed. No prosecution witness has been examined so far.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 22.07.2019 can be enlarged on bail on parity with the co-accused Manjit Singh @ Gopi, who has already been granted regular bail by this Court.

In view of above, petition is allowed. Petitioner is ordered to be released on 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 25, 2020

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No