

Sr. No. 203

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

CRM-M-7236 of 2020 (O&M)

DATE OF DECISION : 16.09.2020

Boota Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 156 dated 23.07.2019, registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Shahkot, District Jalandhar(Rural).

2. Per FIR, on 23.07.2019, the police party nabbed the present petitioner while driving motor cycle, on the basis of suspicion and during his search carried out in presence of a Gazetted Officer, two bags containing 55 kgs of poppy husk were recovered. Petitioner was arrested by the police and he is in custody since then.

2. Learned counsel submits that petitioner is in custody for about fourteen months and the allegedly quantity of contraband is marginally above the commercial quantity and if the weight of the bags are excluded, the same comes to non-commercial quantity. According to him, there has been violation of mandatory provisions of Section 50 of NDPS Act. He

further submits that investigation is already over and custodial interrogation of the petitioner is not required. He further submits that petitioner is not involved in any other case. According to him, in the present pandemic scenario, there is no likelihood of conclusion of trial anytime soon.

4. On the other hand, learned State counsel opposes the bail plea. He, however, admits that investigation is over and presently there is no headway in the trial due to pandemic.

5. Presently, the trial has not commenced and the aforesaid contentions of learned counsel can only be adjudged only at the trial. Courts are working with restrictions and taking up only urgent matters. Petitioner is not involved in any other case. Considering the overall scenario and without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

September 16, 2020
Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No