

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

**CRM-M-8618-2019 (O&M)**

Pawan Kumar ... Petitioner

Versus

State of Punjab ... Respondent

**CRM-M-10044-2019 (O&M)**

Mustakh Mohd. ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:- 24.1.2020

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Sachin Jain, Advocate for the petitioner  
in CRM-M-8618-2019.

Mr. Atul Kaushik, Advocate for the petitioner  
in CRM-M-10044-2019.

Ms. Rashmi Attri, AAG, Punjab  
assisted by H.C. Sukhjinder Singh.

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**GURVINDER SINGH GILL, J.**

1. This order shall dispose of the aforesaid two petitions filed on behalf of Pawan Kumar and Mustakh Mohd. seeking grant of regular bail in a case registered against them vide FIR No.126 dated 23.7.2018 under Section 15 of NDPS Act at Police Station Lalru, District SAS Nagar.
2. It is the case of the prosecution that on 23.7.2018 during the course of patrolling by a police party headed by S.I. Phool Chand, a truck bearing

Registration No.HP-12-J-5836 was signalled to stop, which was being driven by Pawan Kumar and in which the Mustakh Mohd. was also found sitting next to the driver's seat. Upon checking of the truck in question, 58 kg. of 'poppy husk' was recovered which was lying found underneath the resting seat behind the driver's seat and for which no justifiable explanation could be furnished by the accused. The learned counsel has submitted that the petitioners have been in custody for the last 1 year and 9 months and that trial is not likely to conclude in the near future as till date only 8 out of the 17 prosecution witnesses have been examined. The aforesaid position is not disputed by the learned State counsel.

3. Keeping the aforestated facts in mind and also that it is a case of recovery of poppy husk weighing about 58 Kg. from two persons, the petition is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**24.1.2020**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No