

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

**CRM-M No.13032 of 2020
Date of Decision:06.07.2020**

SWEET SINGH @ BITTU

...Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jagjit Singh Gill, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No.48 dated 02.04.2020 registered under
Sections 18 and 61 Narcotic Drugs and Psychotropic Substances Act, 1985
at Police Station Guru Harsahai, District Ferozepur.

As per the case of the prosecution the petitioner was cultivating
poppy plants in about 1.5 marlas of his land and on a raid conducted by the
police the petitioner was apprehended at the spot and poppy plants weighing
about 42 kg were recovered from him.

Learned counsel for the petitioner submits that the petitioner
has been falsely implicated in this case; is a young man of about 25 years;

is not involved in any other criminal case; he is in custody since 02.04.2020; the alleged recovery of contraband from the petitioner is non-commercial quantity and that the trial is likely to take a long time to conclude.

Learned State counsel seeks dismissal of the present petition on the ground that the FSL report is still awaited.

The petitioner is not involved in any other criminal case; alleged recovery from him is of 42 kg of poppy plants (including leaves, roots etc.) which is non-commercial quantity; at this stage he is not required by the investigating agency and that the trial is likely to take a long time to conclude. Therefore, this Court is of the opinion that no useful purpose would be served in further incarceration of the petitioner.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ferozepur, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

July 06, 2020

Jyoti-IT Whether speaking/reasoned Yes/No Whether Reportable Yes/No