

208

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

**CRM-M No.12968 of 2020 (O&M)
Date of Decision: 05.06.2020**

KAUR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. C.S. Rana, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.231 dated 03.11.2019, registered under Section 15 (Act No.61 of 1985 dated 16.09.1985) of the NDPS Act at Police Station Sadar Jagraon, District Ludhiana.

As per allegations, two bags containing 60 kgs. of poppy husk are alleged to have been recovered from the scooty driven by the petitioner.

Learned counsel for the petitioner submitted that the alleged recovery is marginally above than the quantity prescribed for commercial quantity.

Learned counsel by relying 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** submitted that the alleged recovery is slightly more than the quantity prescribed for commercial quantity. Petitioner is in custody since 03.11.2019, therefore, the case of the petitioner for release on regular bail can be considered.

Per contra, learned State counsel on instructions from the Investigating Officer submitted that petitioner is having antecedent behaviour of criminal activity as he is involved in a similar case involving 35 kgs. of poppy husk and is facing trial, though he is on bail. In one case, petitioner has been convicted.

Learned State counsel further submitted that challan has been presented, however charges have not been framed yet.

Be that as it may, keeping in view the nature of recovery and without adverting to the merits of the case, I am of the view that petitioner can be enlarged on regular bail.

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/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

June 05, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No