

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

211

CRM-M-13331-2020
Date of decision: 11.06.2020

Karnail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.78 dated 14.03.2019 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") registered at Police Station Model Town, District Hoshiarpur.

As per the prosecution version, two bags containing poppy husk weighing 25.5 kgs each were recovered from Scorpio Car driven by co-accused Saroop Singh in which the petitioner and Rajwinder Singh (declared juvenile) were co-travellers.

The petitioner being in custody since the date of his arrest has filed the present petition for grant of regular bail.

Learned State counsel has appeared and opposed the bail petition.

I have heard learned counsel for the petitioner and learned

State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. No independent witness was joined. Mandatory provisions of the NDPS Act were not complied with. Co-accused Saroop Singh and Rajwinder Singh (declared juvenile) have been granted bail by this Court. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner, along with co-accused Saroop Singh and Rajwinder Singh (declared juvenile), was found in conscious possession of commercial quantity of poppy husk and the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

However, learned State counsel has conceded that the petitioner is not involved in any other case under the NDPS Act.

Keeping in view the facts and circumstances of the case, nature of accusation, the fact that the quantity of contraband allegedly recovered from the possession of the petitioner and his co-accused will fall in the category of non-commercial quantity in case of exclusion of weight of the bag and parity with co-accused Saroop Singh and Rajwinder Singh (declared juvenile) who have been granted bail by this Court vide orders 06.02.2020 and 05.03.2020 respectively and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without meaning to comment on merits, I am of the considered view that the petitioner

deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal bail bond with bond of one surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.06.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No