

CRM-M-18440 of 2019

{1}

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

CRM-M-18440 of 2019

Date of decision:04.02.2020

Soma Ram

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Suram Singh Rana, Advocate for
Mr. F.S.Virk, Advocate
for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

The petitioner is seeking regular bail in FIR No.148 dated 05.06.2018 under Sections 15, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kotwali Patiala.

Learned counsel for the petitioner submits that the petitioner and his wife-Samina were travelling in a vehicle bearing No.PB-22-C-4900 Make Balero from which three bags of poppy husk weighing 55 kgs were recovered. He further submits that contraband recovered is slightly more than the non-commercial quantity. The petitioner is stated to be in custody since 05.06.2018 and is not involved in any other case. His wife has been granted regular bail by this Court vide order dated 01.04.2019 passed in CRM-M-2603 of 2019 titled as 'Samina Vs. State of Punjab'.

Learned counsel for the petitioner has further made a reference to CRM-M-5409 of 2014 titled as 'Shinder Pal Singh Vs. State of Punjab',

decided on 11.04.2014 and CRM-M-31816 of 2013 titled as 'Malkiat Singh @ Surjit Singh @ Bittu Vs. State of Punjab', decided on 29.10.2013 to submit that this Court had granted regular bail in cases where the quantity recovered is slightly more than the non-commercial quantity.

Learned State counsel upon instructions from ASI Nirmal Singh has opposed the bail on the ground that quantity recovered is commercial. He has filed a copy of the custody certificate dated 04.02.2020, which is taken on record. On instructions, he further submitted that challan was presented on 10.11.2018, charges were framed on 04.12.2018 and 07 witnesses out of total 17 prosecution witnesses have been examined.

The petitioner has undergone 01 year, 07 months and 26 days of incarceration. The trial is likely to take sometime to conclude. This Court in **Shinder Pal Singh's case (*supra*)** and **Malkiat Singh @ Surjit Singh @ Bittu's case (*supra*)**, had granted the regular bail in cases where contraband recovered was marginal more than the non-commercial quantity.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(SUVIR SEHGAL)
JUDGE

February 04, 2020
savita

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No