

CRM-M-23467-2020 (O&M)

Through Video Conference

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

**CRM-M-23467-2020 (O&M).
Decided on: September 04, 2020.**

Bant Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.F.S.Virk, Advocate,
for the petitioner.**

Ms.Monika Jalota, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.78 dated 8.6.2020, under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Sadar Rampura, District Bathinda.

Learned counsel for the petitioner has submitted that the

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petitioner has been wrongly roped up in the present FIR and the recovery of 17 kgs. of poppy husk has been shown to have been made from him. He has further submitted that the case has been planted upon the petitioner and the petitioner has no bad antecedents as he was not involved in any other case whatsoever till date. He has further submitted that the petitioner is in custody since 8.7.2020 and even for the sake of arguments assuming that the recovery of 17 kgs. of Poppy Husk has been made from the petitioner, the same is non-commercial quantity and therefore, the petitioner is entitled for the grant of regular bail. He has further submitted that the co-accused of the petitioner namely Karamjit Singh has also been granted the concession of interim bail by a Coordinate Bench of this Court vide order dated 10.8.2020.

Per contra, learned State counsel states that it is correct that the alleged recovery of 17 kgs. of Poppy Husk falls under non-commercial quantity and it is also correct that the petitioner is not involved in any other case, however, she has opposed the bail application on the ground that the recovery of 17 kgs. of Poppy Husk, was made.

I have heard the learned counsel for the petitioner as well as the learned State counsel through video conference.

Admittedly, the alleged recovery is only of 17 kgs. of poppy husk which is a non-commercial quantity and the co-accused of petitioner as stated above has also been granted the concession of interim bail by a Coordinate Bench of this Court. Therefore, considering the totality of the circumstances, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to

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the satisfaction of the trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

September 04, 2020.
raj arora

JASGURPREET SINGH PURI)
JUDGE

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