

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

CRM-M-24096 of 2020.

Decided on:- September 17, 2020.

Balwant Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed present petition Section 439 Cr.P.C. seeking regular bail in FIR No.93 dated 13.04.2020 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner has submitted that the alleged recovery of 54 Kg. of poppy husk in two jute bags, which include the weight of bags, was effected from the petitioner. The recovery is marginally higher than the non-commercial quantity. Though there is another case registered against the petitioner, wherein 4 Kg. of poppy husk was allegedly recovered, but the petitioner is on bail in that case. The petitioner is in custody since 13.04.2020.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 13.04.2020 and the alleged recovery of 54 kg. of poppy husk, which include the weight of two jute bags, is marginally higher than the non-commercial quantity and the trial is not likely to be concluded in near future in view of prevailing COVID-19 pandemic, this Court finds that no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

It is made clear that in case the petitioner is found involved in any other case under the NDPS Act or the Punjab Excise Act, 1914, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

September 17, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No