

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

CRM-M-37272 of 2020.

Decided on:- December 15, 2020.

Jassa and another

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Aditya Sanghi, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

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

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in FIR No.298 dated 30.08.2020 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Sirsa Sadar, District Sirsa.

As per the FIR, 30 Kg. of Doda Posat (poppy husk) was recovered in the case from two plastic bags. On checking, two plastic bags, each containing 15 Kg. poppy husk, were recovered from both the petitioners.

Learned counsel for the petitioners submits that apart from the fact that the recovered quantity is non-commercial, Challan has been presented in the case and there is no other case against the petitioners. The petitioners are in custody since 30.08.2020.

Learned State counsel is fair enough to admit that there is no other case against petitioner No.1 Jassa Singh. She, however, submits that no case status of petitioner No.2 Meenu @ Pawan @ Makri has been received.

I have heard learned counsel for the parties.

Noticing the fact that the petitioners are in custody since 30.08.2020 and the recovered quantity of contraband is non-commercial i.e. 30 Kg. poppy husk (15 Kg. from each of the petitioner) coupled with the fact that the trial is not likely to be concluded in near future, this Court finds that no useful purpose would be served by detaining the petitioners in further custody.

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

It is made clear that in case the petitioners are found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of their bail in this case.

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.

December 15, 2020

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No