

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

**CRM-M No.40585 of 2019  
Date of Decision : 24.02.2020**

**Shonki**

**..... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Mr. G. S. Nagra, Advocate  
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

**SUDIP AHLUWALIA, J. (ORAL)**

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.0117, dated 20.07.2019, registered under Sections 15/61/85 of the NDPS Act, 1985, at Police Station Adampur, District Jalandhar.

2. Heard.

3. Reply by way of affidavit of IPS, Assistant Superintendent of Police, Sub Division Adampur, District Jalandhar on behalf of the respondent filed today in the Court; Be kept on the record. A copy of the same be supplied to the counsel opposite.

4. On perusal of the same, it is seen that the petitioner was convicted in FIR No.144 dated 23.08.2017 for the offences under Section 15/61/85 of the NDPS Act when he was found to be carrying 03 Kg. of Poppy Husk, which is below the commercial quantity. In addition, he is

facing trial in FIR No.295 dated 07.12.2018 in which case, 05 Kg. of Poppy Husk was allegedly recovered from him, although not directly from the petitioner as he was already in Jail in connection with the previous FIR.

5. In the present case, 52 Kg. of Poppy Husk from 04 persons including the petitioner have been recovered in either case. He cannot be treated as having ever been in possession of any contraband exceeding the commercial quantity on his own.

6. Considering the overall circumstances, detention of the petitioner in the present case, at this stage, would not serve any purpose. Therefore, the present petition is allowed and the petitioner, namely, **Shonki**, is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of Ld. Trial Court/Duty Magistrate, concerned.

**February 24, 2020**

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**(SUDIP AHLUWALIA)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No