

Sohan Singh

... Petitioner

v/s

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG Punjab.

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**VIVEK PURI, J. (ORAL)**

Petitioner is seeking regular bail in case FIR No. 212 dated 02.10.2019 under Section 15 of NDPS Act registered at Police Station Samrala, District Ludhiana.

As per the version of the prosecution, two bags containing 53 Kgs of poppy husk were recovered from the petitioner.

The arrest of the petitioner was effected on 2.10.2019.

Reliance has been placed upon the judgments of this Hon'ble Court in ***CRM-M-37253 of 2016 (Festus Ugochukwu Vs. State of Punjab)*** decided on 07.12.2016 and ***CRM-M-40876-2017 (Vishal Shah vs. State of Punjab)*** decided on 04.04.2018 . In the said decisions quantity to the extent of 270 gms and 300 gms of heroine was construed to be marginally over and above the non-commercial quantity. It has also been stated that at the time of weighment the bags were not separated.

The investigation of the case is stated to be complete.

Moreover, the case of the prosecution is based on the official witnesses only. The petitioner is not stated to be involved in any other case under the NDPS Act.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

**10.01.2020**

Janki

**(VIVEK PURI)  
JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*