

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-51177-2019 (O & M)
Date of Decision: June 10, 2020

GULZAR SINGH @ GULZARA SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.317 dated 03.10.2019, under Section 15 of the NDPS Act, registered at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner inter alia contends that the allegations against the petitioner are that the petitioner and his co-accused were found in possession of 2 bags of poppy husk containing 51 kgs in total which is marginally above the commercial quantity. If the recovery had to be separately effected in terms of each bag from each of the accused, it would be falling under non-commercial quantity. The petitioner is in custody for over 08 months and is not involved in any other case.

Learned State counsel upon instructions from ASI Sadhu Singh states that although challan has been filed but none of the 14 prosecution witnesses has been examined so far.

Heard through video conferencing.

In view of the submissions of learned counsel for the petitioner, especially when the recovery is marginally above the commercial quantity, petitioner is not involved in any other case under the NDPS Act, he is in custody for over 08 months, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

June 10, 2020

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No