

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.3954 of 2021 (O&M)
Date of Decision.25.02.2021
(Heard through VC)

Het Ram

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.408 dated 04.12.2020 registered under Section 15 (c) of the NDPS Act at Police Station Lambi, District Sri Muktsar Sahib.

Counsel for the petitioner *inter alia* would contend that the petitioner herein has been falsely implicated in the said matter as no recovery was effected from the conscious possession of the petitioner. The alleged recovery made was 52 kg of poppy husk, which is marginally higher than the commercial quantity. It is further contended that in similar circumstance, where the recovery effected was marginally higher than the commercial quantity, this Court has granted bail to the accused therein vide order dated 28.01.2021 passed in CRM-M No.3254 of 2021. The trial is likely to take some time to conclude and therefore, prays for concession of bail to the petitioner.

Learned counsel appearing for the respondent-State opposes the bail application of the petitioner by contending that the alleged recovery of contraband falls within the ambit of commercial quantity.

I have heard learned counsel for the parties.

Keeping in view the fact that the recovery effected is marginally higher than the commercial quantity and the trial is likely to take some time to conclude, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

February 25, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No