

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

**CRM-M No.9826 of 2021 (O&M)
Date of Decision.10.03.2021**

Avtar Singh @ Tari

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Rashmi Attri, AAT, Punjab.

-. -

JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.19 dated 15.02.2020 under Sections 15, 25 of the NDPS registered at Police Station Sadar Rampura, District Bathinda.

Counsel for the petitioner inter alia would contend that the petitioner has been falsely implicated in the said FIR as no offence is made out against him. It is further argued that in fact the alleged recovery of 100 kgs of poppy husk has been effected from three persons, who were travelling in the truck and the commercial quantity would be of recovery of 50 kgs from each of the persons nominated in the said FIR, thus, it would be a debatable issue as to whether recovery of 100 kgs of poppy husk from three persons would fall under commercial quantity or not. It is further argued that the co-accused has already been allowed regular by this Court in CRM-M No.41950 of 2020 vide order dated 15.02.2021. It is also argued that the vehicle involved does not belong to the petitioner herein, while

further contending that the investigation is complete and the challan stands presented, therefore, custodial interrogation of the petitioner would no longer be required.

Learned counsel appearing for the respondent-State opposes the bail application by submitting that the petitioner herein was travelling in the truck from which 100 kgs of poppy husk has been recovered.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation is complete and the challan stands presented and it would be a debatable issue as to whether recovery of 100 kgs of poppy husk from three persons would fall under commercial quantity or not, coupled with the fact that the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind the 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

March 10, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No