

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-8107-2020 (O&M)
Date of Decision: 06.09.2021

Budh Singh @ Nijam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. P. S. Jammu, Advocate,
for the petitioner.

Ms. C.L. Pawar, Sr. DAG, Punjab
assisted by ASI Karamjit Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.239 dated 25.10.2019 at Police Station Raman, District Bathinda, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, wherein it is alleged that petitioner was found in possession of 70 Kgs. of poppy husk.
2. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he has a clean record and has never been involved in any other case. It has also been submitted that the petitioner has already suffered incarceration for about 2 years and that in these circumstances, he deserves the concession of bail.

3. Opposing the petition, learned State counsel has submitted that since the quantity of contraband recovered from the petitioner falls within the category of 'commercial' quantity, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and 10 months and that as on date only 1 PW out of cited 12 PWs has been examined.
4. I have considered rival submissions addressed before this Court.
5. It is no doubt correct that it is a case of 'commercial' quantity of contraband, but the nature of contraband recovered i.e. poppy husk is amongst the mildest form of contraband in its natural form. The petitioner in any case has been behind bars for a substantial period of 1 year and 10 months and conclusion of trial will consume some time as till date only 1 PW out of cited 12 PWs has been examined.
6. Keeping in view aforesaid facts in mind especially the custody of the petitioner, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

06.09.2021

VY

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**