

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

211

CRM-M-14273-2021

Date of Decision:06.07.2021

Kulwinder Singh @ Bully

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Barjinder Singh, Advocate for
Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Surender 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.196 dated 01.10.2019 at Police Station, Kotwali, Kapurthala, District Kapurthala under Sections 15/29 of NDPS Act.
2. As per the FIR, the police during the course of patrolling and search of bad elements intercepted a truck bearing registration No.PB-08-W-1257, which was being driven by the petitioner and upon search of the same, 4 bags containing 25 Kgs. of poppy husk each i.e. 100 Kgs. in all was recovered.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in any case he has been behind bars since the last about 1 year and 9 months and that trial has not commenced so far.

4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 'commercial quantity' of contraband, no case for grant of bail is made out. Learned State counsel has, however, endorsed the fact that the petitioner has been behind bars since the last about 1 year and 9 months. Learned State counsel has also informed that trial is yet to commence inasmuch as even the charges have not been framed so far. Learned State counsel has also informed that the petitioner is involved in another case of NDPS Act in the year 2014. Learned State counsel has, however, submitted that he is not able to find out the status of the said case.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the contraband recovered i.e. poppy husk is one of the mildest form of contrabands and while also noticing that the petitioner as on date has been behind bars for a substantial period of 1 year and 9 months and the trial has not been commenced inasmuch as even the charges have not been framed so far, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, 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.

06.07.2021

VY/Vimal

(GURVINDER SINGH GILL)**JUDGE**

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