

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16128-2019 (O&M)
Date of Decision:-31.3.2021

Nanak Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S. Sidhu, Advocate for
Mr. Gurjinder Singh Chahal, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab,
assisted by ASI Sinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of the case registered vide FIR No.163 dated 15.8.2018 registered at Police Station City Samana, District Patiala under Section 15/61/85 of Narcotic Drugs and Psychotropic Substances Act and Section 489 of Indian Penal Code, wherein it is alleged that the petitioner was found in possession of 100 kilograms of '*poppy husk*', while he was travelling in a car.
2. The learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and that, in any case, since the petitioner has been in custody for a long period of more than 2 years and 7 months and is not even involved in any other case, he may be extended the benefit of bail.

3. 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, informed that the petitioner is not involved in any other case and that as on date only 2 out of cited 16 PWs have been examined.
4. I have considered rival submissions addressed before this Court.
5. No doubt it is a case of recovery of 'commercial quantity' of contraband but keeping in view the nature of contraband, which has been recovered i.e. '*poppy husk*', which is one of the mildest form of contraband and while also noticing that the petitioner has been behind bars for a sufficiently long period of more than 2 years and 7 months and has clean antecedents, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No