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

**CRM-M No.21363 of 2021
Date of Decision:28.06.2021**

HIMESH CHARAN @ SAJJAN

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr.Amar Ashok Pathak, Addl. A.G. Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.21 dated 23.02.2021 under Section 15-C of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at P.S Division No.1, District Police Commissionerate Ludhiana.

As per prosecution story, FIR was registered on the basis of secret information that Mandeep Singh alias Kalu, Harpreet Singh alias Jagga, Jaspreet Singh alias Jass and

Himesh Charan @ Sajjan (petitioner) were coming in a car with huge consignment of poppy husk from Sherpur side and going towards Jalandhar bye-pass. On interception, they were apprehended along with two bags of poppy husk weighing 25 kilograms and 26 kilograms poppy husk respectively. The total recovery was of 51 kilograms of poppy husk from the aforesaid accused.

Learned counsel for the petitioner submits that the alleged recovery is marginally in excess of the quantity prescribed for non-commercial. He relies upon **Shinda Vs. State of Punjab, 2013(3) R.C.R. (Criminal) 557** and **Lakhwinder Singh @ Bittu Vs. State of Punjab, 2012(22) R.C.R (Criminal) 301** in the aforesaid context.

The factual position of the case could not be disputed by learned State counsel, however, he opposed the bail on the ground that recovery is of commercial quantity. Petitioner is not involved in any other NDPS case and he is in custody since 23.02.2021.

Keeping in view the quantity of the contraband recovered from the vehicle and the custody of the petitioner, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

28.06.2021	(RAJ MOHAN SINGH)
Amandeep	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No