

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

**CRM-M No.26634 of 2021 (O&M)
Date of Decision.26.07.2021
(HEARD THROUGH VC)**

Virsa Singh

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.109 dated 07.05.2020 under Sections 15, 29 of the NDPS Act, 1985 registered at Police Station Sadar, Kapurthala.

Learned counsel appearing for the petitioner would contend that the petitioner herein has been falsely implicated in the said matter. It is argued that no recovery was effected from the person of the petitioner. It was per chance that he was sitting on the gunny bags containing poppy husk. In fact, he had no knowledge regarding the content of the same. It is further argued that the co-accused has already been allowed bail by this Court vide order dated 25.03.2021 passed in CRM-M No.12038 of 2021. It is also argued that provisions of Section 51 of the NDPS have not been complied with. The investigation is complete and the challan stands presented, therefore, prays for concession of bail to the petitioner.

Learned counsel for the respondent-State opposes grant of

regular bail to the petitioner by contending that fifteen bags of poppy husk were recovered, each having contained 15 kgs of poppy husk, 225 kgs in total and subsequently, more was recovered on the disclosure statement of the petitioner.

I have heard learned counsel for the parties. Keeping in view the fact that the petitioner is in custody since 07.05.2020 and the investigation is complete and it would be a debatable issue whether the petitioner was in conscious possession of the said poppy husk and co-accused has already been allowed bail by this Court vide order dated 25.03.2021 passed in CRM-M No.12038 of 2021, no useful purpose would be served in keeping the petitioner behind 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

July 26, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No