

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-36827-2021 (O&M)
Date of Decision: 17th November, 2021**

Rafiq @ Mohd Rafiq

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 114, dated 15.10.2020, under Sections 15, 29 of Narcotic Drugs and Psychotropic Substances Act, (Act 61 of 1985), registered at Police Station Sandaur, District Sangrur.

2. The brief facts of the case are that police party received a secret information that Sabir Khan, Mohd. Khalid were carrying narcotic substances and can be apprehended. Acting on the information on 15th October, 2020, both the accused were apprehended and 100 kg of poppy husk was recovered. Petitioner-Rafiq @ Mohd Rafiq was nominated on the basis of statement of the co-accused and 25 kg poppy husk was recovered from him.

3. Learned counsel for the petitioner submits that petitioner is in custody since 17th October, 2020, investigation is complete, the recovery was of non-commercial quantity and petitioner is not involved in any other NDPS case.

4. Learned State counsel opposes the prayer for grant of regular bail. He submits that total recovery including the recovery from the co-accused is 125 kg of poppy husk.
5. Considering the custody period of the petitioner and the facts that petitioner has no criminal antecedents, recovery made from him is of non-commercial quantity, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
6. The petition is allowed.
7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

17th November, 2021
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No