

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

CRM-M-37021-2021 (O&M)

Date of decision : 09.11.2021

Baldev Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Abhay Pal Singh Gill, AAG Punjab.

ALKA SARIN, J. (ORAL)

This the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.85 dated 16.07.2019 under Sections 15, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 465, 467, 468, 471, 474 and 482 of the Indian Penal Code, 1860 registered at Police Station Maqsudan, District Jalandhar (Rural). The first bail petition of the petitioner being CRM-M No.50313 of 2019 was dismissed as withdrawn on 05.10.2020.

Learned counsel for the petitioner would contend that recovery from the conscious possession of the petitioner was 20 kgs of *poppy husk*, which falls under non-commercial quantity. He would further contend that on the basis of the disclosure statement of the petitioner, 60 kgs of *poppy husk* is stated to have been recovered from a truck bearing No.PB-10-BP-

7298. Touseef Ahmad Khan @ Munna and Swaran Chand, driver and the owner of the said truck, have already been granted the concession of regular bail by this Court in CRM-M-50241-2019 and CRM-M-51034-2019 decided on 26.11.2020 and 08.09.2021, respectively.

Learned counsel for the State on instructions from ASI Mangat Singh is not in a position to deny the facts that recovery from the conscious possession of the petitioner was 20 kgs of poppy husk, which falls under non-commercial quantity, and that the driver as well as the owner of the truck have since been granted regular bail by this Court in CRM-M-50241-2019 and CRM-M-51034-2019 decided on 26.11.2020 and 08.09.2021, respectively.

Heard learned counsel for the parties.

In view of the above and considering the fact that the petitioner has been in custody since 20.07.2019 as also the facts that recovery from the conscious possession of the petitioner being 20 kgs of poppy husk is non-commercial in nature and 60 kgs of poppy husk is stated to have been recovered on the basis of the disclosure statement of the petitioner was from the truck bearing No.PB-10-BP-7298 and that the driver as well as owner of the said truck have since been granted regular bail by this Court in CRM-M-50241-2019 and CRM-M-51034-2019 decided on 26.11.2020 and 08.09.2021, respectively and the trial is likely to take some time to conclude, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting upon the merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

09.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO