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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42967 of 2020
Date of Decision: 04.01.2021

BOBBY SINGHPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Lakshay Bector, 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.60 dated 22.07.2019, registered under Section 15 of the NDPS Act, 1985 at Police Station City Raikot, District Ludhiana.

As per allegations, 56 kgs. of poppy husk has been allegedly recovered from four accused namely Bobby Singh (petitioner), Manjit Singh @ Gopi, Inderjit Singh @ Baba and Om Parkash @ Babu @ Raju. Two bags containing the contraband (poppy husk) were recovered. On weighment, 29 kgs. of poppy husk was recovered from one bag and 27 kgs. of poppy husk was recovered from the second bag.

Learned counsel for the petitioner submitted that co-accused Manjit Singh @ Gopi and Om Parkash @ Babu @ Raja have been granted regular bail by this Court vide orders dated 06.02.2020 and 25.02.2020 passed in CRM-M No.4592 of 2020 and CRM-M No.6895 of 2020 respectively.

Learned counsel further submitted that after filing of challan and framing of charges, the case is fixed for 29.02.2021 for prosecution evidence. No prosecution witness has been examined till date. The recovered contraband is marginally in excess of the quantity prescribed for non-commercial quantity. He relied 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.**

Factual position could not be disputed by learned State counsel. However, learned State counsel opposed the bail on the ground that recovered contraband is commercial in nature.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail on parity with the co-accused Manjit Singh @ Gopi and Om Parkash @ Babu @ Raja.

In view of above, petition is allowed. Petitioner is ordered to be released on 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.

January 04, 2021
Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No