

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18645-2022
Date of decision : 25.08.2022

Kulwant Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.G.S.Sandhu, Advocate
for the petitioner.

Mr.M.S. Bajwa, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.0029 dated 04.03.2022 registered under Sections 8-B, 18 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (in short “NDPS Act”) at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 04.03.2022 and the investigation is complete and the challan has already been presented and there are 17 witnesses and out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that recovery in the present case is of 30 kgs. of poppy plants which is a non commercial quantity as the commercial quantity starts from 50 kgs.

Learned State counsel, on the other hand, has opposed the

present petition for regular bail and has submitted that the said poppy plants were being ploughed by the petitioner in his house.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 04.03.2022 and the challan has already been presented and there are 17 witnesses and out of which, none have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The alleged recovery from the present petitioner is 30 kgs. of poppy plants which is non commercial as the commercial quantity starts from 50 kgs. and thus the bar under Section 37 of the NDPS Act is not attracted.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 25, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No