

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18776-2022
Date of decision : 11.05.2022

Leela Ram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Rahil Mahajan, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.96 dated 07.03.2022 registered under Sections 15, 27-A, 29-61-85 of the Narcotic Drugs and Psychotropic Substances Act (in short “NDPS Act”) at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioner has submitted that in the present case, the alleged recovery from the present petitioner and co-accused Suraj is of 9 kgs. of poppy straw, which is far lesser than the commercial quantity as the commercial quantity starts for poppy straw from 50 kgs. It is further submitted that the petitioner has been in custody since 07.03.2022 and challan in the present case has already been presented and there are 16 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time. It is further submitted that the petitioner

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that recovery of 9 kg. of poppy straw has been effected from the present petitioner and his co-accused Suraj and thus, the petitioner does not deserve the concession of regular bail.

Keeping in view the above said facts and circumstances moreso, the fact that the alleged recovery in the present case from the petitioner and his co-accused Suraj is 9 kg. of poppy straw which is far lesser than the commercial quantity as the commercial quantity for poppy straw starts from 50 kgs. and the petitioner has been in custody since 07.03.2022 and the challan has already been presented and there are 16 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time, 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

May 11, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No