

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

CRM-M-23835-2022 (O&M)

Date of Decision: 01.09.2022

Daljeet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. K.B.S. Mann, Advocate,
for the applicant-petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 61 dated 29.03.2022, under Sections 8-B and 18 of the NDPS Act, 1985, registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that the petitioner has been implicated in the present case on the basis of an alleged secret information to the effect that plants of poppy husk are being grown on the property owned by the present petitioner. It is submitted that the recovery in the present case is of 13 kilograms and 400 grams of poppy plant, which is a non-commercial quantity as the commercial quantity stipulated for the same starts from 50 kgs. It is further submitted that the petitioner has been in custody since 29.03.2022 and the investigation is complete and there are 14 witness and none of them have been examined thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other

criminal case.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that recovery of 13 kilograms and 400 grams of poppy plants has been effected from the land belonging to the petitioner.

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

The petitioner has been custody since 29.03.2022 and the investigation is complete and the '*challan*' has been presented and there are 14 witnesses and none of whom have been examined thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The alleged recovery has been effected from the land which, as per the case of the prosecution, the petitioner has joint possession of. Total recovery effected amounts to 13 kilograms and 400 grams of poppy opium plants which, admittedly falls under the category of “non-commercial quantity” and thus, the bar under Section 37 would not apply to the present case.

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 and also subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his personal appearance is specifically exempted by the Court.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses,

then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

September 01, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No