

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

CRM-M-41791-2022  
Date of Decision:-**16.09.2022**

ROSHAN @ BASAU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

-.-

Present:- Mr. Abhishek Sindhwani, Advocate  
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

-.-

**KARAMJIT SINGH, J.** (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.52 dated 22.3.2022 registered under Section 18 of NDPS Act at Police Station Alewa District Jind.

This is the second petition filed by the petitioner as the first petition was withdrawn by the petitioner vide order Annexure P-3 as at that time, the FSL report was still awaited.

The counsel for the petitioner contends that as per the allegations recorded in the FIR, the police received secret information that the petitioner had planted poppy plants in the area of his poultry farm and

then police raided the disclosed place and poppy plants were found growing there and the said plants were uprooted and their weight came to be 49.300 kilograms. The counsel for the petitioner further contended that the police also apprehended the petitioner and now he is in custody for the last more than 5 months and is having no criminal history. The counsel for the petitioner further contended that after conclusion of investigation and receipt of report of FSL, the police has presented the challan and as the case is relating to cultivation and recovery of poppy plants, the same is covered under Clause-c of Section 18 of NDPS Act. The counsel for the petitioner further contended that it will take time for the trial to terminate and no purpose is going to be served by keeping the accused behind the bars for any longer period.

The State counsel on the other hand, has opposed the present petition. The State counsel submits that the aforesaid plants of opium poppy were recovered from the property possessed by the petitioner. The State counsel further submits that on receipt of FSL report and completion of investigation, the police has presented the challan and charges have been framed but the witnesses are yet to be examined. The State counsel further submits that in these circumstances, the petitioner is not entitled to get concession of regular bail. However, the State counsel has not disputed the contention raised by counsel for the petitioner that it being the case of recovery of opium poppy plants, the same is covered under the provisions of Section 18 (c) of NDPS Act, as per the Schedule appended to the NDPS Act.

In view of the above, as it is admitted case of the prosecution that the present case is covered under Section 18(c) of NDPS Act, which

provides maximum sentence of 10 years coupled with the fact that the police has already presented the challan on completion of investigation and further the petitioner is in custody for the last more than 5 months, no purpose is going to be served by keeping him in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

**16.09.2022**  
Gaurav Sorot

**( KARAMJIT SINGH )**  
**JUDGE**

Whether reasoned / speaking?      Yes / No

Whether reportable?      Yes / No