

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41856-2022

Date of Decision: 12.12.2022

Jagjit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. G.S. Bedi, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 10.12.2022 filed in Court today is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 0095 dated 09.08.2022 registered under Sections 15(b)/27(A) of the NDPS Act at Police Station Sadar Gurdaspur, District Gurdaspur.

Brief facts of the case are that on 09.08.2022, the police party received a secret information while checking the vehicles during Nakabandi at Babri Bye pass that one truck bearing registration No. PB-02-AT-9786 coming from Pathankot side was carrying poppy husk. Accordingly, on the basis of said secret information vigilant checking was started and after some time the above numbered truck came from the side of Pathankot, which was stopped for searching. Petitioner-Jagjit Singh was driving the truck. On search of the said truck, one plastic bag containing 10 kgs of poppy husk was recovered along with

Rs.17,300/- drug money. The same were taken in possession and the petitioner was arrested at the spot and formal FIR was also registered.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. The quantity of recovered contraband falls within the ambit of “non-commercial quantity”. The petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 09.08.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, the fact that alleged recovery of 10 Kgs of poppy husk from the truck being driven by the petitioner is an intermediate quantity and he is not involved in any other case under the NDPS Act, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Jagjit Singh, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

December 12, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No