

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

228

CRM-M-57370-2022 (O&M)

Date of Decision: 13.12.2022

Suman @ Suman Jat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. P.S.Jammu, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rajesh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.0445 dated 17.09.2022 at Police Station City Tohana, District Fatehabad, under Section 15 of the NDPS Act.
2. The allegations, in nutshell, are that the petitioner was found in possession of 18.300 Kgs. of Poppy-husk.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if all the allegations as leveled in the FIR are taken to be correct, the contraband allegedly recovered from the petitioner would fall within the category 'non-commercial' quantity.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red-handed while in possession of contraband, no case for grant of bail is made out. Learned State counsel has, however,

informed that the petitioner as on date has been behind bars since the last about 3 months and that he is not involved in any other case.

5. This Court has considered rival submissions.
6. Admittedly, it is a case of recovery of 'non-commercial' quantity of contraband. The petitioner has been behind bars since the last about 3 months. Challan already stands presented. The petitioner otherwise is stated to be having a clean record. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.12.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**