

²¹⁴IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13165-2023

Decided on:-20.04.2023

Satgur Singh

...Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Dhiraj Jindal, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.03 dated 05.01.2023, under Sections 15 and 29 of the NDPS, 1985 (Act 61 of 1985), registered at Police Station Bhawanigarh.

As per the allegations in the aforementioned FIR, recovery of 52 kg of poppy husk was effected from the petitioner.

Learned counsel for the petitioner submits that the alleged recovery of 52 kg of poppy husk is marginally higher than the non-commercial quantity. Moreover, weight of gunny bag was not separated, thus, the contraband cannot be said to be commercial quantity. He further submits that the petitioner is in custody for the last more than 3 months now and the investigation in the present case already stands concluded, however, challan is yet to be filed, thus, the trial is likely to take some time. He also submits that there is no other case under the NDPS Act pending against him.

He again points out that the co-accused of the petitioner, namely, Amandeep Singh has already been granted the concession of anticipatory bail by this Court, passed in CRM-M-3844-2023, vide order dated 12.04.2023. He also placed reliance upon the judgment of this Court passed in CRM-M-27566-2015 vide order dated 27.08.2015.

On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the recovery of 52 kg of poppy husk was made from the petitioner.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in submissions made on behalf of the petitioner.

Considering the fact that the recovery is marginally higher than the non-commercial quantity and there is no other case under the NDPS Act pending against the petitioner; the investigation in the present case being already concluded, challan yet to be filed, conclusion of trial is likely to take some time, thus, I do not find any reason to extend the incarceration of the petitioner any further, who is behind the bars for the last more than 03 months now. Besides it, co-accused of the petitioner has already been granted the concession of anticipatory bail by this Court vide order dated 12.04.2023, passed in CRM-M-3844-2023, and the applicability of the provisions attracting the mischief of commercial quantity of the poppy husk would be a moot point during trial in view of the material available on record.

Keeping in view the peculiar facts and circumstances of the present case, without expressing any opinion on the merits of the case, the

CRM-M-13165-2023

2023:PHHC:055717
--3-

present petition is allowed and petitioner is ordered to be released on bail,
subject to his furnishing bail bonds and surety bonds to the satisfaction of
the concerned trial Court/Duty Magistrate.

20.04.2023
sonika

(HARKESH MANUJA)
JUDGE

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