

S. No.212

2023:PHHC:128218

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

CRM-M-18084 of 2023

Date of Decision:04.10.2023

Makhan

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Riffi Birla, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.303 dated 11.12.2022 registered under Sections 15/61/85/29 of NDPS Act, 1985 at Police Station Guru Harshai, District Ferozepur.

As per prosecution allegations, 50 kg. of poppy husk was recovered from a Verna Car bearing registration No.PB-05AB-7809 when the raid was conducted near the house of the petitioner. Apart from 50 kg. of poppy husk, currency notes of ₹1,97,500 were also recovered. Co-accused Monika had fled away.

Learned counsel for the petitioner contends that co-accused Bimla Rani alias Monika was granted the benefit of pre-arrest bail by this Court vide order dated 11.01.2023 passed in CRM-M-1241 of 2023. Learned counsel has further submitted that since the quantity of 50 kg is not greater than the quantity as specified in the Schedule so the recovered quantity of poppy husk is non-commercial. Learned counsel also contends that petitioner is in custody since more than nine months with no criminal case pertaining to NDPS Act against him.

Learned State Counsel does not refute the afore-said contention that the petitioner is not involved in any other case relating to NDPS Act. As per custody certificate placed on record, petitioner is in custody for 09 months and 23 days. Recovered quantity of 50 kg of poppy husk falls within the category of non-commercial as it is not greater than the quantity as specified in the Schedule.

Having regard to the afore-said facts and circumstances, but without commenting anything further on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

October 04, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No