

2023:PHHC:058188

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

CRM-M -19326-2023

Date of Decision: 25.04.2023.

MANGATA

... PETITIONER

VS.

STATE OF UT CHANDIGARH

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Siddharth Gulati, Advocate, for the petitioner.

Mr. A.M.Punchhi, P.P for U.T. Chandigarh.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 0060 dated 03.02.2023 under Section 15 of the NDPS Act registered at Police Station Sector-36, Chandigarh.
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that in pursuance of recovery of 60 kg of poppy husk, the case was registered on 03.02.2023 against Gurpreet Singh and Jaswant Singh, co-accused. Subsequently, in pursuance of their disclosure statements, 100 kg of poppy husk was recovered from another co-accused, namely, Kan Singh Purawat on 05.02.2023. The petitioner has been nominated on the basis of the disclosure statement of Gurpreet Singh and Jaswant Singh and 10 kg of poppy husk has been allegedly recovered from the possession of the petitioner. . The quantity of contraband alleged to have been recovered from the possession of the petitioner falls in the category of less than commercial

quantity. The petitioner is in custody for a period of 02 months and 18 days and not involved in any other case.

4. Learned counsel appearing for the respondent-U.T. Chandigarh, has opposed the bail application and contends that Gurpreet Singh and Jaswant Singh were working as drivers in Punjab roadways and have been bringing the contraband from the State of Rajasthan. The petitioner is running a barber shop in front of the bus stand and the contraband was being further sold through him. However, it has not been disputed that only 10 kg of poppy husk was recovered from the petitioner and further submitted that the matter is still at the stage of investigation.

5. It may be mentioned here that 10 kg of poppy husk has been recovered from the possession of the petitioner. The petitioner was not accompanying the co-accused when recovery of 60 kg of poppy husk was effected from Gurpreet Singh and Jaswant Singh and furthermore, 100 kg of poppy husk was recovered from Kan Singh Purawat. The quantity of contraband allegedly recovered from the petitioner falls in the category of less than commercial quantity and as such, the stringent provisions of Section 37 of the NDPS Act may not come into play qua the petitioner. The petitioner is in custody for a period of 02 months and 18 days, his custodial interrogation is over and has been remanded to judicial custody. The conclusion of investigation and trial is likely to take some. It has been not been disputed that all the witnesses are official witnesses and it cannot be said that the petitioner, in any manner, can win over or influence the witnesses

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making

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

25.04.2023
smriti

(VIVEK PURI)
JUDGE

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