

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

CRM-M-20247-2023

Date of Decision: May 24, 2023

GURBHEJ SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. A.S. Brar, Advocate for the petitioner.
Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of bail pending trial in case FIR No.214 dated 29.08.2022 registered under Sections 15 and 25 of NDPS Act, 1985 at P.S. Sidhwan Bet District Ludhiana(Rural).

2. In the present case, allegations against petitioner in the FIR are that 60 Kg of poppy husk was recovered from the building of which the petitioner was possessing the keys though not being the owner, besides it, 20 Kg of poppy husk was recovered from the car which was owned by the co-accused Ramesh.

3. Learned counsel for petitioner submits that the petitioner has already suffered incarceration for a period of almost 8 months and 22 days besides the investigation in the present case has been concluded with the filing of challan and there is no other case of NDPS against him.

4. The prayer made herein has been opposed by learned State counsel while submitting that the recovery is of commercial quantity and the custody of the petitioner is too less.

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

6. Considering the fact that the recovery from the house/building of which the petitioner was possessing keys has been 60 Kg of poppy husk which is marginally higher than non-commercial quantity i.e. up to 50 Kg, the petitioner has already suffered incarceration for a period of almost 8 months and 22 days besides the investigation having been concluded with the filing of challan and there being no other case of NDPS against him I do not deem it appropriate to extend the incarceration of the petitioner.

7. In view of the discussions made herein-above, without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

24.05.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>