

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25583-2023
Decided on : 25.05.2023

Gurpinder Singh @ Nikku

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. C.S.Rana, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner is seeking concession of regular bail in case FIR No.309 dated 21.12.2022 under Sections 15/61/85 of NDPS Act registered at Police Station Division No.6, Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been implicated in the case in hand and alleged recovery of 52 kg of Poppy Husk has been shown to be effected from the petitioner. Learned counsel submits that it was a case of chance recovery and recovered contraband is just marginally higher than the minimum prescribed under the commercial quantity in the Act. Learned counsel further submits that the petitioner has clean antecedents and he is not involved in any other case much less under the NDPS Act. The petitioner has now been in custody since 21.12.2022 and the charges have been framed. The trial shall take considerable time to conclude as the prosecution evidence has not yet commenced.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite submits that it was a case of chance recovery wherein the petitioner was found transporting 52 kgs of Poppy Husk in a canter. Learned State counsel submits that no doubt, the petitioner has clean antecedents and is not involved in any other case, however, the recovery effected falls under the commercial quantity though just 2 kg more than the minimum prescribed under the commercial quantity in the Act.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 21.12.2022 and is stated to be not involved in any other case much less under the NDPS Act coupled with the fact that the trial shall take considerable time to conclude. This Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

25.05.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No