

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

231

CRM-M-29137 of 2023

Date of Decision:03.07.2023

Sukhpal Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Munish Raj Chaudhary, Advocate,
for the petitioner.

Mr. Kuldeep Singh, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.127 dated 22.12.2021, under Sections 15, 22, 25, 29, 61 and 85 of the NDPS Act, registered at Police Station Tapa Mandi, District Barnala, Punjab.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody since 23.12.2021 which is about 1½ years and eight prosecution witnesses have already been examined. He submitted that the alleged recovery from the petitioner was 40 kgs of poppy husk from the Canter which does not fall under the category of commercial quantity and therefore the bar contained under Section 37 of the NDPS Act will not apply in the present case. He further submitted that the petitioner has clean antecedents and is not involved in any other case and therefore may be considered for the grant of regular bail.

3. On the other hand, Mr. Kuldeep Singh, learned AAG, Punjab has submitted that it is correct that the petitioner is in custody for about 1½ years and eight prosecution witnesses have already been examined and the alleged recovery in the present case was 40 kgs of poppy husk which does not fall in the category of commercial quantity under the NDPS Act. He further submitted on instructions that so far as the antecedents of the petitioner is concerned, the petitioner is not involved in any other case except one case under the Prisons Act.

4. I have heard learned counsel for the parties.

5. The petitioner has already faced incarceration for about 1½ years and eight prosecution witnesses have already been examined. The alleged recovery does not fall under the commercial quantity. The petitioner is stated to be not involved in any other case except one case under the Prisons Act. Consequently, this Court deems it fit and proper to grant the concession of regular bail to the petitioner, therefore the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 03, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No