

(238)

2023:PHHC:094067

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

CRM-M-31494 of 2023

Date of Decision: July 25, 2023

Balwinder Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., prayer has been made by the petitioner for grant of regular bail in case FIR No.291 dated 17.11.2022 registered under Sections 15 and 21 of NDPS Act at Police Station Sadar Nabha, District Patiala.

As per the allegations, 13 kg of poppy husk was found from possession of the petitioner.

It is contended by learned counsel for the petitioner that learned Special Judge, Patiala has rejected the bail petition by wrongly observing that as per the FSL report, the sample showed the contents of Codeine along with other salts i.e. Morphine, Thebaine, Papaverine and Narcotine. However, as per the FSL report, copy of which has been shown by learned State Counsel, it is only pods of poppy plant which were found present in the contents of the parcel.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent- State.

As per the custody certificate placed on record by learned State Counsel, petitioner is in custody for the last 05 months and 10 days. He has no criminal antecedents.

The factual position as above, is not disputed by learned State Counsel. The recovered quantity falls in non-commercial category.

Having regard to the facts and circumstances of the case, but without commenting anything on the merits of the case, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

July 25, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No