

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-53065-2022 (O&M)

Date of Decision: 23.2.2023

Yasin Mohd.

....Petitioner

VERSUS

State of UT Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kamaljit Rana, Advocate
for the petitioner.

Mr. Shashank Bhandari, Addl. PP, UT, Chandigarh.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.59 dated 15.9.2022 registered for the offences punishable under Sections 15 of NDPS Act at Police Station Sarangpur, District Chandigarh.

The allegations in brief are that the police apprehended the petitioner along with 46 kg. 100 grams of poppy husk on 15.9.2022.

Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and that even otherwise, the case of the petitioner comes under non-commercial quantity of contraband and the petitioner has already undergone custody for a period of more than 5 months. So, prayer is made that the petitioner be released on regular bail.

Present petition is opposed by the State counsel who submits that the petitioner is also facing trial in one another case under NDPS Act in which he is already enlarged on bail.

I have considered the submissions made by the counsel for the parties.

46 kg. 100 grams of poppy husk which is alleged to be recovered from the petitioner comes under non-commercial quantity and as such, rigors of Section 37 of NDPS Act are not attracted to the case of the petitioner. Further, the petitioner is already in custody for the last more than 5 months and till date, only 2 witnesses are examined on behalf of the prosecution out of total 14 witnesses. It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 23, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No