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

CRM-M-60364-2022
Decided on:-06.01.2023

Boota Singh

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J. (Oral)

By way of present petition, the prayer made herein is for grant of regular bail in case FIR No.169 dated 13.10.2022 (Annexure P-1) under Section 15 (b) of NDPS Act, 1985, registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

In the present case as per the allegations, 5 KG of poppy husk has been allegedly recovered from the petitioner which amounts to non-commercial quantity.

Learned counsel for the petitioner submits that the investigation of the case has already been concluded as the challan stands filed on 09.12.2022. He further submits that conclusion of the trial is likely to take some time.

The prayer made at the instance of the petitioner has been opposed at the instance of State counsel by submitting that there is one another case registered against the petitioner regarding recovery of 10 Kg of

poppy husk.

I have heard learned counsel for the parties and gone through the paper book, I find that once the investigation has already been concluded and challan stands presented, the conclusion of trial is definitely going to take some time. As regards the registration of another FIR No.0116, dated 17.05.2022, against the petitioner regarding recovery of 10 Kg of poppy husk, it has been pointed out by learned counsel for the petitioner that the said FIR dated 17.05.2022 (Annexure P-2 at Page 20) was also got registered at the same Police Station by the same police officials against the petitioner, which thus becomes a debatable issue as regards its authenticity and genuineness.

In view of the above, without commenting upon the merits of the case, the present petition is allowed and petitioner, namely, Boota Singh is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial court/Duty Magistrate.

06.01.2023
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(HARKESH MANUJA)
JUDGE

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