

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

224

CRM-M No.10660 of 2024
Date of Decision: 05.03.2024

JASVIR SINGH

.....Petitioner

$$V_S$$

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Kamlesh, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.0083 dated 13.12.2023 registered under Section 15 of the NDPS Act, 1985 at Police Station Sandaur, District Malerkotla.
2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 52 kgs of poppy husk which was found in Trola/Truck bearing Regn.No.PB-10FF-4172 make Tata in which petitioner was sitting besides the driver.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the recovery of contraband involved besides the custody period of the petitioner which is approximately three months only.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, neither the petitioner happens to be owner nor even driver of the vehicle in question; recovery is marginally higher than the commercial quantity which even includes the weight of plastic bag; petitioner is not involved in any other case under the NDPS Act; custody period is approximately three months and as per learned State counsel the investigation has been completed and the Investigating Agency is in the process of filing challan.

6. Considering the fact that the petitioner has already suffered incarceration for a period of approximately 03 months and the trial is likely to take sometime in its culmination, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

March 05, 2024
Atik

(HARKESH MANUJA)
JUDGE

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