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

CRM-M-40160-2024
Date of Decision:- 23.09.2024

Dharminder Kumar ...Petitioner

Vs.

State of Punjab ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Neeraj Madaan, Senior DAG, Punjab.

AMARJOT BHATTI, J.

1. The petitioner – Dharminder Kumar has filed petition under Section 483 BNSS of 2023 for grant of regular bail in FIR No. 76, dated 25.07.2024, under Sections 15-A and 27-A of NDPS Act 1985. registered at Police Station Dhariwal, District Gurdaspur.
2. Brief facts of the case are on 25.07.2024 ASI Gurdev Singh and the police party was on routine patrolling. Secret information was received that Dharminder Kumar who was running a Dhaba near the canal minor Gurdasnangal, near GT road Dhariwal Gurdaspur was indulging in narcotics and if the raid was conducted he could be apprehended with contraband. On the basis of this information raid was conducted as per the rules and from his possession 2kg of Poppy husk was recovered.
3. Learned counsel for petitioner argued that petitioner is falsely implicated in this case. He was arrested on the same day. However, his regular



bail application has been declined by the trial Court vide order dated 07.08.2024 (Annexure P-2). Alleged recovery falls within non-commercial quantity. Therefore, it is prayed that his regular bail application may be allowed.

4. Status report is filed. However, bail application is opposed by learned counsel representing State of Haryana. It is pointed out that on the search of petitioner 2kg of Poppy Husk was recovered. Considering, the said recovery, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Petitioner was arrested on 25.07.2024 and till date he is behind the bars. Alleged recovery falls within non-commercial quantity. Trial in this case may take sometime. No purpose would be served by keeping him behind the bars for indefinite time period.

6. Therefore, without expressing my mind on the merits of the case, regular bail petition filed by the petitioner –Dharminder Singh is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

7. The petition is accordingly, accepted.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

23.09.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No