



In the High Court for the States of Punjab and Haryana  
At Chandigarh

CRM-M-41633-2024 (O&M)  
Date of Decision:-10.12.2024

Taari Singh ... Petitioner  
Versus  
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Malkit Singh Dhillon, Advocate for the petitioner.  
Mr. Siddharth Attri, AAG, Punjab and  
Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

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| FIR No. | Dated    | Police Station           | Under Section/s                                            |
|---------|----------|--------------------------|------------------------------------------------------------|
| 115     | 9.5.2024 | Tripri, District Patiala | 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 |

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- As per the case of prosecution, a secret information was received by the police on 9.5.2024 to the effect that Taari Singh (petitioner) indulges in sale of ‘poppy husk’ and that on the given day i.e. on 9.5.2024 he was transporting ‘poppy husk’ in his truck i.e. Leyland Canter bearing registration No.PB-11DC-1854 and was coming from the side of Sirhind while carrying huge quantity of contraband. Pursuant to receipt of said information, the police was able to intercept the truck in question, which was found to be driven by Taari (petitioner). It is further the case of prosecution that two bags weighing 25



kilograms each of '*poppy husk*' were recovered from the rear seat of the truck in question.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that, in any case, the quantity of contraband recovered i.e. 50 kilograms of '*poppy husk*' would qualify to be termed as 'non-commercial' quantity as it is only the quantity more than 50 kilograms, which would be termed as a 'commercial' quantity. Learned counsel, in order to hammer forth his aforesaid submissions, places reliance upon judgments passed by this Court in CRM-M-3393-2022 titled Gurdeep Singh and others Vs. State of Punjab, decided on 21.2.2022, in CRM-M-50823-2021 titled Satar Ali Vs. State of Haryana, decided on 23.3.2022 and in CRM-M-11230-2022 titled Zohar Ahmed Malik Vs. State of Punjab, decided on 11.7.2022, and. It has also been submitted that the petitioner as on date has been behind bars since the last more than 6 months and has an absolutely clean record.
4. Opposing the petition, learned State counsel submitted that since the petitioner was caught red handed at the spot, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 6 months and 29 days and is not involved in any other case. It has also been informed that the trial has not commenced till date.
5. This Court has considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case of recovery of 50 kilograms of '*poppy husk*', it will certainly be debatable as to whether the same would qualify to be termed as 'commercial' quantity or 'non-commercial' quantity. The petitioner has been behind bars for a substantial period of about 6 months



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and 29 days and enjoys a clean record. Given the fact that the trial has not even commenced till date, it goes without saying that the conclusion of trial will consume some time. Under these circumstances, the petitioner cannot be kept behind bars for an indefinite period.

7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.12.2024  
Pankaj

( Gurvinder Singh Gill )  
Judge

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |