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

CRM-M-42168-2024**Date of Decision: 04.09.2024**

Jarnail Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.59 dated 05.07.2024 registered under Sections 15 and 29 of NDPS Act, 1985, at Police Station Khanauri, District Sangrur.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, on 05.07.2024, the petitioner was arrested with 20 kg of poppy husk in his conscious possession, without any permit or license. He further contends that the said quantity falls within the ambit of "non-commercial quantity" and the rigors of Section 37 of NDPS Act would not apply to the facts of the present case. He further contends that the petitioner was arrested in the present case on 05.07.2024 and the challan has already been presented against him. Learned counsel further submits that even though, one more case i.e. FIR No. 95 dated 05.09.2019 under Sections 15, 61, 85 of NDPS Act, Police Station



Khanauri was ordered to be registered against the present petitioner, but the petitioner has been convicted and sentenced already undergone.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 05.07.2024 with 20 kg of poppy husk in his conscious possession and the said quantity is “non-commercial” in nature. Thus, the rigors of Section 37 of NDPS Act would apply to the facts of the present case.

6. Without commenting 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 bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

04.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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