



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

CRM-M-47680-2024

Date of decision: 27.09.2024

Gulzar Singh @ Gari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.0185 dated 27.07.2024, under Section 15 of NDPS Act and Section 27 NDPS Act was added later on, registered at Police Station Sadar Mansa, District Mansa.

2. The allegations in nutshell are that police recovered 17 kg of poppy husk from the petitioner on 27.07.2024 and the petitioner was arrested at the spot.

3. Counsel for the petitioner submits that aforesaid recovery of contraband comes under non commercial quantity and presently, petitioner is lodged in judicial custody and on completion of investigation, challan has been presented but it will take time for trial to conclude, even after its commencement. Counsel for the petitioner further submits that petitioner is enlarged on bail in all the other criminal cases faced by him.

4. The present petition is resisted by the State counsel who on instructions from Sub Inspector Buta Singh submits that no doubt, the recovery of 17 kg of poppy husk comes under non commercial quantity, the petitioner is having criminal history as he is involved in some other criminal



cases wherein he is already given benefit of bail. The State counsel has not disputed the fact that challan stands presented, on completion of investigation but till date charges are not framed.

5. I have considered the submissions made by counsel for the parties.

6. It appears that Judge Special Court, Mansa dismissed the bail application of the petitioner on the ground that he is having criminal antecedents being involved in number of other criminal cases. However, the State counsel has not disputed the fact that in all the other criminal cases faced by the petitioner, he is on bail. The present case is relating to recovery of non commercial quantity and thus, rigors of Section 37 NDPS Act are not applicable and further on completion of investigation, the police has presented the final report in the Court concerned, charges are not framed till date and as such it will take time for trial to terminate. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.09.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No