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

**CRM-M-7096-2025
Date of Decision:13.02.2025**

VEER SINGH THIYARA**...PETITIONER****VS.****STATE OF HARYANA****...RESPONDENT****Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Parminder Walia, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana with
Mr. Narender Kumr Panwar, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, with a prayer to grant regular bail to him in case FIR No.0195 dated 28.10.2024, registered under Sections 15-B, 61, 85 of Narcotic Drugs & Psychotropic Substances Act, 1985, Police Station Nangal Chaudhary, District Mahendragarh.

2. The FIR in the present case was registered on the basis of the complaint filed by SI Balwant Singh, HSNCB Unit Rewari. As per him the police had taken a container in possession and the said container was being driven by the present petitioner. On search of the container, 16 kg 560 grams of poppy-husk was recovered, which is “non commercial” in nature.



3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. Even as per the case of the prosecution, the petitioner was only a driver of the truck and was not owner of the same. Still further the prosecution is stated to have recovered 16.560 kgs. of poppy-husk, which does not fall in the ambit of commercial quantity. The petitioner was arrested in the present case on 28.10.2024 and challan has already been presented against him.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

6. In the present case, the total recovery of poppy-husk from the container was 16.560 kg., which is non-commercial in nature. Thus, the bar contained in Section 37 of the NDPS Act may not apply to the facts of the present case.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

13.02.2025
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(N.S. SHEKHAWAT)
JUDGE

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