



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

CRM-M-57937-2023

Date of decision: 21.02.2025

Rajat @ Rajat Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. R.K. Singla, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking grant of regular bail in case having FIR No.1 dated 01.01.2023, under Sections 15/29 of NDPS Act, Police Station Kurukshetra University, Kurukshetra, District Kurukshetra.

2. The allegations in nutshell are that on the basis of secret information, on 01.01.2023, police apprehended truck No.HR-45-C-0482 which was driven by co-accused Jasbir Singh @ Jassi and co-accused Sohan Lal @ Sonu was also traveling in the said truck being its cleaner. On checking of the truck, the police recovered 50.5 kg of poppy husk from the said truck which was contained in three bags. During investigation, it was revealed that the said poppy husk was being transported at the instance of present petitioner. Thereafter, petitioner was arrested by the police.

3. The counsel appearing on behalf of the petitioner submits that the petitioner is falsely implicated in the present case and was not arrested



at the spot of recovery. That otherwise also the aforesaid recovery of poppy husk is marginally above commercial quantity and in case, the weight of three empty bags is excluded then the weight of recovered contraband would be less than 50 kg and thus, comes under non commercial quantity, as per the NDPS Act. Thus, stringent provisions of Section 37 NDPS Act are not attracted to the instant case. It is further argued that the petitioner is in custody for the last more than 1 year and is facing one more case under NDPS Act wherein he has been enlarged on bail and further, it will take time for the trial to conclude.

4. The present petition is resisted by the State counsel who submits that the recovery effected in this case being 50.5 kg of poppy husk comes under commercial quantity and that trial is going on. It is not disputed by the State counsel that the petitioner who was not apprehended at the spot was later on arrested in this case and is in custody for the last more than 1 year and that the trial is at its initial stage.

5. The recovery of 50.5 kg of poppy husk is stated to be effected from three bags. As per the counsel for the petitioner, if the weight of the bags is excluded then the total quantity of contraband comes under non commercial quantity. Even otherwise recovery of 50.5 kg of poppy husk is to be considered just marginally above the commercial quantity. It is apparent that the petitioner was named in the FIR but was not travelling in the truck at the time of aforesaid recovery and was arrested later on. Admittedly, the petitioner is incarcerated for the last more than 1 year and is stated to be on bail in one another case under NDPS Act. Furthermore, it will take time for the trial to conclude. In the given circumstances, the

further detention of the petitioner in judicial custody is not going to serve any fruitful purpose.

6. 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.

21.02.2025
Yogesh

(KARAMJIT SINGH)
JUDGE

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