
...PETITIONER(S)

...RESPONDENT(S)

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3. Learned counsel appearing on behalf of the petitioners

contends that the FIR in the present cases has been registered on the basis of recovery of poppy husk from the tool kit cabin placed on the top of a truck which was parked on the main road. A person who was covering the same with a tarpaulin, upon seeing the police party, started the truck and tried to flee but he was apprehended by the police. Upon search, 52 kgs of poppy husk was recovered by the police officials.

4. Learned counsel further contends that Rachhpal Singh, the petitioner in CRM-M-59778-2024, is the cleaner of the truck, whereas Parkash Singh, the petitioner in CRM-M-40036-2024, is the driver of the aforesaid vehicle from which the contraband was recovered. It is submitted that, as per the prosecution version, Parkash Singh, the driver of the vehicle was the person seen standing on the top of the truck and trying to cover the tool kit cabin with a tarpaulin sheet. It is contended that the actual weight of the contraband is yet to be determined as the total weight of the contraband recovered is stated to be 52 kgs, however, it also includes the weight of the bag in which the contraband was kept. It is further submitted that the petitioners have been in custody since 16.06.2024 and that not even a single witness out of the total 15 witnesses cited by the prosecution has been examined so far. It is also submitted that the petitioners are not involved in any other criminal case.

5. Learned State counsel, on the other hand, does not dispute the aforesaid factual position and submits that the prosecution has cited a total of 13 witnesses. However, none of the witnesses have been examined till date and two witnesses have already been given up by the

prosecution.

6. Having heard the learned counsel for the parties and taking into consideration the period of actual custody undergone by the petitioners, the stage of the trial as well as the clean antecedents of the petitioners, I deem it appropriate to allow these petitions.

7. Accordingly, the present petitions are *allowed*. The petitioners are ordered to be released on bail on their furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case(s) and the trial Court shall decide the case(s) on the basis of available material.

10. Photocopy of this order be placed on the file of other connected case.

[VINOD S. BHARDWAJ]
JUDGE

22.12.2025
Rahul Joshi

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No