

Criminal Miscellaneous No.M-12016 of 2015 (O & M)
Date of Decision: April 27, 2015

Lokesh

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. P.S. Ahluwalia, Advocate, for the petitioner.

Mr. Charanjit Singh Bakhshi, Additional
Advocate General, Haryana.

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Jaspal Singh, J

1. Instant petition has been preferred under Section 439 Cr.P.C. by Lokesh presently confined in District Jail, Jhajjar, seeking regular bail in case FIR No.327 dated August 16, 2014, under Section 20 of the Narcotics Drugs & Psychotropic Substances Act, 1985 (for short, 'Act'), registered at Police Station, City Bahadurgarh, District Jhajjar.

2. Case of prosecution is that on August 16, 2014, petitioner Lokesh was apprehended by police party in the area of Police Station, City Bahadurgarh and his personal search led to recovery of 1 kg of charas which was retained by him without any permit or license.

3. Contention of learned counsel for petitioner is that petitioner has been falsely implicated in this case and no recovery of any contraband was effected from his possession. Subsequently, he was framed in a case showing that 1 kg of charas has been recovered from him. Quantity of charas, allegedly recovered from him is non-commercial in view of observations made by Full Bench of this Court in Ratto vs. State of H.P., 2004(1) RCR (Criminal) 501. Petitioner is also in custody since the date of his arrest i.e. August 16, 2014. Challan has already been presented, disposal of which, is likely to take sufficient long time. Petitioner is ready to abide by all terms and conditions imposed by this Court in case he is granted the concession of bail.

4. On the other hand, learned State counsel has opposed the petition contending that there are serious and specific allegations against petitioner and further that he was found in possession of 1 kg of charas without any permit or license.

5. This Court has given an anxious thought to aforesaid submissions made by learned counsel for parties and gone through record.

6. As per allegations of prosecution, 1 kg of charas has been recovered from petitioner which does not fall within definition of commercial quantity as the same is not more/greater than the quantity specified by Central Government vide notification issued by it. Thus, quantity is non-commercial which is punishable under Section 20(b)(ii)(B) of the Act. Petitioner is behind the bars since the date of his arrest i.e. August 16, 2014. Challan has already been presented, disposal of which, is likely to take time. Petitioner is not involved in any other case of similar nature.

7. In view of above discussion and without commenting anything on merits of the case, instant petition is allowed. Petitioner is ordered to be released on bail on furnishing of personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate, Jhajjar.

April 27, 2015
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(Jaspal Singh)
Judge