

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

**CRM-M No. 32439 of 2015 (O&M)
Date of Decision: 28.09.2015**

Mukesh @ Popa

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Akshay Jain, Advocate
for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana
for the respondent/State alongwith ASI Bijender Singh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No. 619 dated 10.08.2015 for the offences punishable under Sections 21, 25, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station City Jind, District Jind.

As per allegations in the FIR, the police intercepted one co-accused Lalit @ Foji and recovery of 50 grams smack was made from his person. The name of the petitioner has surfaced during the investigation. As he is alleged to have supplied the said quantity to Lalit @ Foji.

Learned Counsel for the petitioner submits that apart from the fact that recovery from the co-accused, the quantity of which is non-commercial in nature, except the disclosure statement of the said co-accused-Lalit @ Foji regarding purchase from the present petitioner, there is

no other legally admissible evidence against the petitioner. He further states that in other two FIRs registered under the NDPS Act, the petitioner has since been acquitted, whereas third has been lodged on the same date after his arrest regarding the quantity again of non-commercial in nature.

The petitioner is stated to be in custody since 10.08.2015.

Learned State Counsel, on instructions from ASI Bijender Singh, does not controvert the above said factual position. He further submits that since the petitioner is a habitual offender, therefore, he is not entitled for bail.

Without commenting on the merits of the case, keeping in view the recovery of contraband being non-commercial in nature, no useful purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of CJM/Duty Magistrate, Jind.

Disposed of.

September 28, 2015

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**(JASWANT SINGH)
JUDGE**