

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-38822 of 2016

Date of Decision: 10.11.2016

Ramphal

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Vishal Garg, Addl.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.178 dated 7.8.2016 under Section 20 of the NDPS Act registered at Police Station Salhawas, District Jhajjar.

Learned counsel for the petitioner contends that the alleged recovery made from the petitioner is 950 grams of *charas*, which falls in non-commercial quantity. He further states that compliance of Section 50 NDPS Act has not been made, as the concerned Deputy Superintendent of Police reached 45 minutes after the recovery. He states that the petitioner is in custody since 7.8.2016 and there is no other case pending against him.

Learned State counsel, on instructions from SI Shri Krishan, does not dispute the custody period of the petitioner as well as the quantity of the contraband recovered from the petitioner. However, he states that in case the petitioner is enlarged on bail, he may commit such offence again.

I have heard learned counsel for the parties.

Admittedly, the recovery is of 950 gms. of *charas*, which falls in non-commercial quantity and there is no other case under the NDPS pending against him and the fact with regard to compliance of Section 50 NDPS Act is yet to be decided during the course of trial and conclusion of trial will take sufficiently long, as charges are yet to be framed, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

November 10, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No