

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

**Crl. Misc. No.M-23052 of 2017 (O&M)
Date of Decision: November 14, 2017.**

Suraj

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. DPS Bajwa, Advocate
for the petitioner (s).

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 80 dated 29.03.2017 registered for the offence punishable under Section 20 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station City Narwana, District Jind.

Heard.

Learned counsel for the petitioner submits that as per allegations in the FIR, the recovery of 1060 grams of *Charas*, which the petitioner was allegedly carrying in a bag was effected from the petitioner. It was weighed on the computerized weighing machine. Learned lower Court while declining the bail, has wrongly mentioned the quantity recovered from the petitioner as 1Kg. 600 grams of *Charas*. The contraband was

weighed along with the bag in which it was being carried and weight of the bag has not been separately mentioned.

On perusal of the FIR, I find that the recovery of *Charas* from the petitioner was 1Kg. 60 grams which if taken as a whole falls in commercial quantity. However, it is not clear as to what was the weight of the bag in which petitioner was carrying *Charas*. Keeping in view this fact, I find that the petitioner has a chance to represent before the trial Court that the weight of the bag was more than 60 grams and the quantity of the contraband recovered from the petitioner falls in non-commercial quantity.

In view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Suraj is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

November 14, 2017
Jyoti-II

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No