

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29329 of 2017
Date of Decision: 21.08.2017

Ram Rati

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

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.497 dated 11.07.2017 registered for the offence punishable under Section 20 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Samalkha, District Panipat.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that learned Court below while declining bail application has taken the view that quantum of contraband recovered from the petitioner falls in commercial quantity. In fact 16 kgs. of *Ganja Patti* was allegedly recovered from the petitioner, which falls in non-commercial quantity.

Learned State counsel submits that recovery from the petitioner was of non-commercial quantity of contraband and the sample of contraband taken by the police has been sent to FSL and the report is still awaited.

Keeping in view the fact that recovery effected from the petitioner is of non-commercial quantity and that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Ram Rati is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/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- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

August 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No