

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

CRM-M No.3472 of 2017

Date of Decision: 17.03.2017

JITENDER @ MITHWA

-PETITIONER

VS

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Kumar Goyat, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner is accused of offence under Section 20/29-A/61 of the NDPS Act registered in Police Station Bawani Khera, District Bhiwani.

1 Kg 300 gms. of *charas* was allegedly recovered from a Maruti 800 car belonging to one Deepak who has not been arrayed as accused in the present case.

Learned counsel for the petitioner contended that there is non-compliance of mandatory provisions of NDPS Act. The alleged recovery is slightly above than the prescribed limit for non-commercial quantity.

Learned counsel relied upon **Jaskir Singh @ Jaggi versus State of Punjab, 2015(8) RCR (Criminal), 631, Gaurav Sharma versus State of Punjab, 2016(2) Law Herald 1552**

and **Harbhajan Singh alias Lalli versus State of Punjab, 2014**

(40) RCR (Criminal) 132 to contend that proportionate value is to be counted while taking total quantity of alleged contraband as prescribed under the schedule of the Act.

Learned State counsel on instructions from HC Satyawar stated that the car was recovered from the possession of the petitioner but there is no statement of owner namely Deepak son of Dharampal on record.

At this stage, without adverting to the merits of the case, I am of the view that petitioner can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

17.03.2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No