

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

**CRL. MISC. No.M-44063 OF 2016 (O&M)
DATE OF DECISION : 26th APRIL, 2017**

Ravi

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. L. S. Sekhon, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.358 dated 17.09.2016 registered under Section 15/27-A/61/85 of NDPS Act at Police Station Tosham, District Bhiwani.

Heard learned counsel for the rival parties.

The petitioner was arrested on 17.09.2016 and since then he is in jail. The quantity of the poppy husk seized from him was 17 kg 500 grams which is non-commercial quantity.

Learned State counsel submits that no other offence under NDPS Act is registered against the petitioner.

Learned counsel for the petitioner makes a statement that after release from the jail the petitioner will file undertaking within two weeks that he would not indulge in any type of offence and would also submit a copy of the affidavit to the concerned Police Station.

In view of the fact that this is first offence committed by the petitioner and the petitioner is ready to give an affidavit as stated above, the petitioner is ordered to be released on bail.

In that view of the matter, I make the following order:

ORDER

- (i) The petition is allowed and the petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (ii) The petitioner shall file an affidavit within two weeks after releasing on bail that he will not commit such type of offence again.
- (iii) The petitioner shall report to the Police Station concerned on every Sunday between 11:00 A.M. to 4:00 P.M..
- (iv) The State will be at liberty to apply for cancellation of bail in case of any further commission of such type of offence by the petitioner.

26th APRIL, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>