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

CRM-M-782 of 2017

Date of decision: January 18, 2017

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. S.S. Verma, Advocate for the petitioner.

Mr. Surinder Singh, AAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.270 dated 04.10.2016, under Section 20 of the Narcotic Drugs and Psychotropic Substance Act, 1985 ('NDPS Act' for short), registered at Police Station Bawani Khera, District Bhiwani, the petitioner seeks regular bail. He was arrested on 04.10.2016 and is in jail since then.

Learned counsel for the petitioner, after taking sometime from this Court, on instructions from the petitioner, makes a categorical statement that the petitioner is ready to deposit ₹50,000/- in cash with the trial Court as a pre-condition for grant of regular bail.

In view of the fact that the petitioner is facing trial, though, under the NDPS Act and contraband is of non-commercial quantity and in view of the filing of the challan, I think, the petitioner deserves to be released on bail. The contraband recovered was 900 grams of

charas as against 1000 grams which is commercial. It is also made clear that the present order of bail shall be liable to be cancelled in case, the petitioner is again found indulging in similar type of offence under the NDPS Act. The deposit of ₹50,000/- with the trial Court is a condition precedent for grant of bail to the petitioner.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, subject to deposit of ₹50,000/- with the trial Court. In case, the petitioner again found indulging in similar type of offence, the present order of bail shall be liable to be cancelled. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

January 18, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No