235 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.16506 of 2018
DATE OF DECISION:15.05.2018

Hardeep

...Petitioner

Vs.

State of Haryana

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Ruchi Sekhri, Advocate
for the petitioner.

Mr. Rajesh K. Sheoran, Additional A.G., Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.138, dated 26.05.2017, registered under Sections 21C/61/85 of NDPS Act at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the case by the Police whereas no recovery was effected from the physical possession of the petitioner. He further submits that as per allegations in the FIR 11 bottles of Onerex Coup Syrup, Codeine Phsophate and Triprolidine Hydroichloride syrup 100 ml each total quantity is less than one kg as prescribed under the Drugs and Cosmetics Act, 1945. Learned counsel also submits that in a similar matter i.e. ***Binod Kumar @ Binod Kumar Bhagat Vs. State of Bihar, 2017(4) R.C.R. (Criminal) 125*** the accused was released on bail after a period of

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seven months only by Hon'ble the Apex Court. The notification issued in this regard has already been quashed by Delhi High Court. Learned counsel submits that the petitioner is in custody since 26.05.2017.

Learned State counsel has not disputed the custody period but opposed the submissions made by learned counsel for the petitioner.

Heard learned counsel for the petitioner and have also perused the contents of the FIR and other documents on the file.

Admittedly as per judgment rendered in ***Binod Kumar @ Binod Kumar Bhagat's case (supra)***, the recovery was of Corex Cough Syrup from the godown of the company of the accused and in that case, he was released on bail after about 7 months. The petitioner is in custody 26.05.2017.

Accordingly, the present petition is allowed. The petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

15.05.2018 **(DAYA CHAUDHARY)**
rimpal **JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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