

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

CRM-M-17731-2018

Date of Decision:04.05.2018

Nishant alias Nishu

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Ashish Grewal, Advocate,
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that even as per the case of the prosecution (though wholly denied by the petitioner), he was apprehended with 2 kgs of *ganja*, with the commercial quantity being 20 kgs and therefore, he having been in custody for more than 3 months now, the learned trial Court erroneously dismissed his bail application on 08.03.2018.

He further submits that though the previous petition seeking bail i.e. CRM-M-11467-2018, was dismissed by this Court on 23.03.2018, that was for the reason that at that time two other cases were pending against the petitioner, one under the provisions of the NDPS Act, 1985, and the other pertaining to alleged counterfeit of currency.

He submits that as regards the one pertaining to counterfeit currency, the petitioner stands acquitted; and as regards the case under the NDPS Act, that was for alleged possession of 222 grams of *ganja*, in which the petitioner is on bail.

Learned State counsel while opposing the bail application on the ground that this is the second case under the NDPS Act against the petitioner, could not deny on instructions from the police official present in Court to assist him, that the petitioner has been acquitted in the case registered against him, as regards counterfeit currency.

That being so, and the petitioner being on bail in the other case, wherein it is still to be established as to whether he is guilty or not, also seeing that he has been in custody for the past 3 months and the quantity of *ganja* contended to be recovered from him is well below commercial quantity, I consider it appropriate to admit him to bail, on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

Disposed of.

May 04 , 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO