

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

**CRM-M No.24422 of 2018
Date of decision : 12.09.2018**

Jagat alias Landa

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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DAYA CHAUDHARY, J.

Petitioner Jagat alias Landa has approached this Court by way of present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.171 dated 16.04.2018 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – “the NDPS Act”) registered at Police Station Beri, Distt. Jhajjar, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. The alleged recovery of contraband is 524 grams of charas, which has been shown to be recovered from the petitioner at a crowded place but no independent witness was joined. Learned counsel further submits that mandatory provisions of the NDPS Act have not been followed by the investigating agency and no notice under Section 50 of the NDPS Act was served upon the petitioner before making his personal search. There is no

other case of the NDPS Act against him. All prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence. He is in custody since the date of lodging of FIR *i.e.* 16.04.2018. Nothing is to be recovered from him and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner and the other submissions made by learned counsel for the petitioner and also the fact that there is no other case of NDPS Act against the petitioner but has opposed grant of bail on the ground of seriousness of the offence.

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

Without commenting anything on the merits of the case and keeping in view the alleged recovery of contraband which is 524 grams of charas and is non-commercial, the period of custody undergone by the petitioner and also the fact that all prosecution witnesses are official witnesses and there is no possibility to tamper with the evidence or influence the witnesses, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

12.09.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No