

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

**CRM No.M-39099 of 2018 (O&M)  
Date of Decision: September 24, 2018**

Amit Kanja

...Petitioner

VERSUS

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Sandeep Kotla, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.439 dated 04.07.2017 under Section 21 of the NDPS Act, registered at Police Station City, Hansi.

Notice of motion.

Mr.B.S.Virk, DAG, Punjab, has put in appearance on behalf of the respondent-State and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per prosecution version, 262 grams of smack was recovered from the present petitioner. 250 grams of smack falls under commercial quantity. I have perused the police file. From the recovery memo, it is not clear that smack was weighed on digital scale. If it is weighed on some

commercial quantity. Secondly, there is also nothing at this stage that smack was weighed with plastic envelope or without the same. Keeping in view all these facts, the recovery from the petitioner may fall under non-commercial quantity.

The petitioner has been in custody since 04.07.2017. He is not required for investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above, shall constitute my opinion on merits of the case.

**September 24, 2018**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**