

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-40149 of 2018 (O&M)

Date of Decision: 10.12.2018

Ajay

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.196 dated 23.05.2018 under Section 20 of the NDPS Act and Sections 27-A and 29 of the NDPS Act (added later on) registered at Police Station Dadri City, District Charkhi Dadri.

Learned counsel for the petitioner submits that the alleged recovery effected from the possession of the petitioner is 5 kgs. of *Ganja* and he is in custody since 23.05.2018. He further submits that the co-accused Rahul Chhabra has already been admitted on bail by this Court vide order dated 31.10.2018 passed in CRM-M-35728-2018 *Rahul Chhabra Vs. State of Haryana*. He has argued that the alleged quantity of

the contraband so recovered from the petitioner falls in non-commercial quantity and trial in the case will take sufficiently long time, as only charge has been framed and no prosecution witness has been examined. Therefore, the petitioner be released on bail.

Learned State counsel has filed the custody certificate of the petitioner in Court which is taken on record. On the basis of the custody certificate, he has argued that there is another FIR registered against the petitioner under the NDPS Act i.e. FIR No.178 dated 04.06.2017 at Police Station City Charkhi Dadri, wherein alleged recovery effected from the petitioner is 550 grams of *Ganja*, however, he is on bail in that case.

I have heard learned counsel for the parties

Admittedly, co-accused of the petitioner is already on bail. Considering the fact that the petitioner is in custody since 23.05.2018 and trial in the case will take sufficiently long time, as no prosecution witness has been examined and thus, no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the petitioner shall submit an affidavit at the time of furnishing his bail bonds that in case he is found indulged in any other case under the NDPS Act, his bail bonds would be liable to be cancelled.

December 10, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No