

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

CRM-M No. 44521 of 2017

DATE OF DECISION :- January 25, 2018

Mange Ram

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M No. 45231 of 2017

Rajesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Vikas Bishnoi, Advocate for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana

My this order shall dispose off two petitions for grant of regular bail bearing CRM-M No. 44521 of 2017 filed by Mange Ram and CRM-M No. 45231 of 2017 filed by Rajesh Kumar, both of them being accused in F.I.R. No. 129 dated 21.7.2017 for offence under Sections 18, 29 and 61 of NDPS Act registered with Police Station Loharu, District Bhiwani.

Briefly stated the facts of the case as per prosecution story are

that on 21.7.2017, a police party from the Police Station Loharu headed by ASI Satbir Singh was present near Dhigawa Mandi Pahari Road, when the ASI received a secret information that one Radhey Shyam along with Mange Ram and Rajesh had been indulging in drug trafficking and Radhey Shyam was to come from the side of village Isharwal in his Bolero vehicle to supply the contraband. During the course of checking, Bolero was stopped coming from side of village Isharwal having registration No. HR42D-0241. It was intercepted. The vehicle was being driven by Radhey Shyam. The two other occupants of the vehicle disclosed their names as Mange Ram and Rajesh. On personal search being conducted, Mange Ram was found to be carrying white parcel wrapped in a plastic bag in right pocket of his Kurta which was found to be containing of milk of opium total weighing 499 grams. Rajesh was found to be carrying 649 grams of opium. Samples were drawn. All the three occupants of vehicle were arrested.

After completion of investigation and other formalities, the accused have been forwarded to face trial and as stated by the State counsel trial is pending in the Court of Judge, Special Court, Bhiwani and charge is yet to be framed, inasmuch as the next date of hearing fixed for that purpose is 13.2.2018. Both the accused had approached the Court below for grant of regular bail but were unsuccessful there. Their requests were declined by Additional Sessions Judge, Bhiwani vide order dated 2.11.2017, as such they have come to this Court asking for similar relief. Their requests are being opposed by the State counsel.

I have heard learned counsel for the petitioners and learned

State counsel besides going through the record.

Admittedly the recovery involved is less than commercial quantity. Therefore, Section 37 of the NDPS Act, 1985 is not attracted. The custody certificates placed on file by the State counsel reveal that petitioners are in custody for more than six months. Rajesh is not shown to be involved in any other criminal case, whereas though Mange Ram is reflected to be in another F.I.R registered against him but that is under various provisions of IPC and he is shown to be on bail in that case.

Without touching the merits of the case, since the trial is at an initial stage and its conclusion is likely to take some time, for that reason further detention of the accused shall not serve any useful purpose more particularly keeping in view the quantity of contraband involved and other facts and circumstances, the petitions are allowed and both the petitioners are ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Bhiwani subject to the following conditions : -

- (i) they shall appear in the Court on each and every date of hearing.
- (ii) they shall not give any threat or intimidation to the prosecution witnesses.
- (iii) they shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and

interfere in the trial.

In case the petitioners violates any term and condition on which the bail has been granted to them, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

January 25, 2018
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No