

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-48280-2018

Date of decision: 12.11.2018

Sudhir Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. PS Ahluwalia, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner-Sudhir Kumar, in case FIR No. 509 dated 31.08.2018 registered under Sections 18C and 27 B(ii) of the Drugs and Cosmetics Act, 1940 (for short-'the Act'); Sections 32 and 21a of the NDPS Act, 1985 and Sections 420, 342 and 120-B, IPC at Police Station Sector-5, Gurugram, District Gurugram.

According to the prosecution, on 31.08.2018, Dr. Gulshan Arora, Civil Surgeon, Gurugram, heading a team consisting of Drugs Controller Officer and Medical Officer, Gurugram, conducted a raid on a fake de-addiction and rehabilitation centre called as M/s Nayi Umeed De-addiction and Rehabilitation Centre, Near Sheetla Mata Temple, Gurugram and recovered many intoxicant drugs from there kept without

any permit or licence. On asking, the petitioner was not able to show any permit of licence to keep the said prohibited drugs. Accordingly, he was arrested.

Learned counsel *inter alia* contends that petitioner is only an employee on a monthly salary of Rs. 8000/-, of main accused, namely; Harish Rathi, who was running the said fake de-addiction and rehabilitation centre. The alleged intoxicant drugs recovered falls in the category of “small quantity” and maximum punishment is up to 5 years under the Act, for which the complainant has to file a separate complaint in Court. Petitioner is innocent and is in custody since 01.09.2018. Final report under Section 173(2) Cr.P.C., has already been submitted in Court. Framing of charge and conclusion of trial may take sufficient long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel vehemently opposed the above submission of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Sudhir Kumar, is ordered to be released on bail pending trial, on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

November 12, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No