

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-50345-2018

Date of Decision: 11.12.2018

Mohan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Munish Shrama, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this third petition under Section 439 Cr.P.C., petitioner-Mohan, has prayed for grant of regular bail in case FIR No. 233 dated 10.03.2017 registered under Section 21 of the NDPS Act, 1985 at Police Station Jind City, District Jind.

According to the prosecution, on 10.03.2017, the petitioner was apprehended by the police for keeping 235 grams of smack/heorin in his conscious possession.

Learned counsel *inter alia* contends that the petitioner has falsely been implicated in the instant case. The recovery of contraband effected from the petitioner falls under the definition of 'non-commercial quantity'. The petitioner is in custody since 10.03.2017. Conclusion of trial may take long time. No useful purpose would be served by detaining the petitioner in jail.

On the other hand, learned State counsel vehemently opposed the submissions 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-Mohan, is ordered to be released on bail pending trial, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

December 11, 2018
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(RAMENDRA JAIN)
JUDGE

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