

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1722 of 2019

DATE OF DECISION: JANUARY 21, 2019

MANGAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SUMIT GUPTA, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP PARMAR, DAG, HARYANA

MANOJ BAJAJ, J.(ORAL)

The petitioner has filed this petition for grant of regular bail in case FIR No.779 dated 3.10.2018 under Section 20 of NDPS Act, registered at Police Station City Sonapat. The FIR was registered with the allegation that the petitioner was having in his possession 2.260 kgs. of Ganja Patti.

Learned counsel for the petitioner has argued that the quantity allegedly recovered from the petitioner is non-commercial. It is pointed out that the investigation of the case is complete and challan already stands filed in the Court on 3.11.2018.

Learned counsel for the petitioner has further relied upon the decision in CRM-M-9382 of 2017 wherein the concession of bail has been extended to the accused who was having in his possession Ganja Patti. This Court observed that it is yet to be proved that the alleged contraband falls within the definition of 'Ganja' as defined under Section 2(b) of the NDPS Act.

On the other hand, the bail is opposed by learned counsel for

the State. However, it is not disputed that investigation of the case is complete. Beside, it is not disputed that the report of FSL is yet to come.

Considering the custody of the petitioner and the fact that the trial may consume more time, detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

January 21, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No