

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-3301-2019 (O & M)

Date of Decision: September 18, 2019

AKHILESH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 112, dated 05.03.2018, under Section 20 (b) (ii) (c) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sector-5, District Gurugram.

Learned counsel for the petitioner contends that the alleged total recovery of 40 kgs 300 grams ganja patti has been effected from the petitioner and the co-accused Sunil Kumar. Co-accused Sunil Kumar has already been granted regular bail by the coordinate Bench of this Court in CRM-M-41602-2018 on 19.12.2018 after he had spent 09 months in custody. He also contends that there was violation of Section 50 of the NDPS Act. He further contends that no independent witness was there at the time of alleged recovery although it was effected in a public place. The petitioner is in custody for over 01 year and 06 months.

Learned State counsel upon instructions from ASI Vijay states that no prosecution witness has been examined. He is also not in a position to controvert the submission made by learned counsel for the petitioner that similarly situated co-accused namely Sunil Kumar has been granted regular bail by the coordinate Bench.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is in custody for over 01 year and 06 months, co-accused Sunil Kumar has been granted regular bail, he is not involved in any other case and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

September 18, 2019

A.Kaundal

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