

CRM-M-4032 of 2019

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

CRM-M-4032 of 2019
Date of Decision: 05.02.2019

Sitender @ Bholu

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Ashwani Gaur, Advocate, for the petitioner.
Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.251 dated 02.10.2018 registered under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Baroda, District Sonapat.

According to the prosecution, on 02.10.2018 petitioner was apprehended with conscious possession of 1 kg 10 grams of charas.

Learned counsel for the petitioner *inter alia* contends that alleged recovery effected from the petitioner is only 10 grams above the quantity which falls under the “non-commercial quantity”. Weight of the polythene in which alleged recovery was effected, if reduced, then the alleged recovery allegedly effected from the petitioner falls under the “non-commercial quantity”. Petitioner is in custody since 02.10.2018.

Conclusion of trial may take a sufficient long time. No useful purpose

CRM-M-4032 of 2019

would be served by detaining the petitioner in jail any more.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioner.

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

February 05, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

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