

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

**CRM-M No. 17397 of 2019
Date of Decision:-04.07.2019**

Samir @ Kallu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Samir @ Kallu has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.173 dated 11.6.2018, under Section 20 of NDPS Act, registered at Police Station Civil Lines, Sonipat, District Sonipat. The petitioner is in custody since 27.3.2019.

As per FIR, on 11.6.2018 when the police party was present at Sector 15 outer ring road near Gateway School, a boy was seen coming from Fazilpur side on a motor-cycle, who had tied a gunny bag on the back side of motor-cycle. On seeing the police party he tried to turn the motor-cycle but was caught by the police and after formalities, search was conducted and from the gunny bag 19 kilograms and 500 grams Ganja was recovered. On these broad allegations, the FIR was registered against the petitioner.

Learned counsel for the petitioner contends that the quantity recovered from the petitioner falls within non-commercial quantity as per schedule

attached in the NDPS Act, 1985. It is pointed out that till filing of FSL report, the concession of interim bail was extended to the petitioner vide order dated 30.8.2018. However, after filing of FSL Report, the petitioner surrendered before the trial Court on 27.3.2019. He contends that the investigation of the case is complete and considering the quantity of the contraband recovered, further custody of the petitioner may not be justified.

On the other hand, learned State counsel has opposed the prayer for grant of bail on the ground that the petitioner was found in possession of Ganja. However, it is not disputed that there is no other case against the petitioner. On instructions from ASI Manoj Kumar, learned State counsel has not disputed the fact that the petitioner was neither involved in any other case nor misused the concession of interim bail granted to him.

Considering the above background of the case and the fact that trial will take considerable time, therefore, further detention of the petitioner is not justified. Resultantly, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Sonipat.

The petition is allowed.

July 04, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No