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

CRM-M-18413-2019

Date of decision-02.05.2019

Banty

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Naresh Kumar.

MANOJ BAJAJ, J.

Petitioner-Banty has prayed for grant of regular bail in case FIR No.322 dated 15.09.2018 under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1881 registered at Police Station Sadar Jind, District Jind. The petitioner is in custody since his arrest on 15.09.2018.

Learned counsel for the petitioner contends that the as per the case set up by the prosecution 30 k.g and 300 grams of ganja was allegedly recovered from two persons. The petitioner was allegedly holding the bag independently carrying 11 kgs of ganja whereas his co-accused was also carrying independent bag carrying 10 kgs of ganja. There was third bag which was jointly carried by them which had contained 9 kgs and 300 grams of ganja. Learned counsel for the petitioner contends that it is seriously debatable as to third bag was carried by the petitioner and his conscious

possession in respect of the said contraband is seriously disputed. He further contends that the co-accused, namely, Kuldeep Singh has already been granted concession of regular bail by this Court vide order dated 11.04.2019.

On the other hand, learned State counsel assisted by ASI Naresh Kumar opposed the bail application on the ground that the quantity collectively recovered is commercial in nature. However, it is not disputed that there is no other case against the petitioner.

Considering the above background of the case and the case set up by the prosecution against the petitioner as well as the custodial period suffered by the petitioner, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and 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, Jind.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

02.05.2019

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