

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19781-2019 (O&M)
Date of Decision:-7.5.2019

Mahabir ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.510 dated 21.12.2018 registered at Police Station Sadar Gohana, District Sonapat, Haryana under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The allegations, in nutshell, are that the petitioner was found in possession of 850 grams of '*charas*'.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, the quantity of contraband recovered from the petitioner falls in 'intermediate quantity' and, as such, the fetters of Section 37 of NDPS Act are not attracted.
4. Opposing the petition, the learned State counsel has informed that the petitioner is involved in two other cases and in these circumstances, no case

for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last more than four months and although challan has been presented but not even a single prosecution witness has been examined so far.

5. Having regard to the aforesaid facts especially bearing in mind the fact that the petitioner has been behind bars since the last more than four months and till date not even a single prosecution witness has been examined, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Mahabir is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. However, in case the petitioner indulges in any activity akin to the present case, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.
7. This present petition stands accepted accordingly.

7.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No