

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

CRM-M-25755-2019 (O&M)
Date of Decision:-4.7.2019

Rajdeep Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manvinder Sidhu, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0026 dated 14.2.2019 registered at Police Station Civil Line, Sirsa, District Sirsa under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is that on 14.2.2019, when the petitioner alongwith Rajiv Kumar was going on a motorcycle, they were signaled to stop by the police. A polythene bag hanging from the handle of the motorcycle, which the petitioner was driving, was found to contain 80 grams of '*heroin*'.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that no offer in

terms of Section 50 of NDPS Act was ever extended to the petitioner before effecting the recovery which would render the recovery vitiated.

Opposing the petition, the learned State counsel has submitted that since it is a case of 'chance recovery', there was no requirement of extending any offer in terms of Section 50 of NDPS Act. The learned State counsel has, however, informed that challan has already been presented on 21.4.2019 and that till date neither the charge has been framed nor any prosecution witness has been examined.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the recovered contraband falls in intermediate quantity and also the fact that the petitioner has been behind bars since the last about five months and that the trial is yet to commence, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and the petitioner Rajdeep Singh is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

4.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No