

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

Criminal Misc. No.M-37138 of 2019(O&M)

Date of Decision: November 21, 2019

Sunny alias Karan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Rajesh Lamba, Advocate
for the petitioner.

Mr.Chetan Sharma, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.435 dated 15.06.2019 under Sections 20 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station City Bhiwani.

The allegations against the petitioner is that a polythene containing *Ganja* weighing 4 kg 690 grams was recovered from him. He was travelling in the car, which was being driven by his co-accused Sachin and the said polythene is alleged to have been lying between the knees of the petitioner.

Learned counsel for the petitioner submitted that the quantity of the contraband allegedly recovered from the petitioner is non-commercial. He is behind bars since 16.06.2019.

Opposing the bail application, learned State Counsel, while

referring to various FIRs against the petitioner, has stated that the petitioner is a habitual offender. He is likely to involve himself in the commission of the similar crime again, if released on bail.

I have heard learned counsel for the parties and perused the record.

As many as nine cases, involving the petitioner, have been referred to by the learned Additional Sessions Judge, Bhiwani in the impugned order. In three cases he has been acquitted by the Courts, in two he has been enlarged on bail, in one though he has been convicted but released on probation, while the remaining three cases are pending for his appearance before the respective courts. Out of the nine cases, only one case is registered for the offence under the NDPS Act, wherein, the petitioner has been released on bail.

In view of above as also considering the fact that the contraband allegedly recovered from the petitioner is of non-commercial quantity, he has been in custody for the last about 5½ months, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

November 21, 2019

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No