

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-41990 of 2019

Date of Decision: October 03, 2019

Deepak Kumar	Petitioner
Vs.	
State of Haryana	Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

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Present:- Mr.Partap Singh Gill, Advocate for
Mr. Aman Pal, Advocate for the petitioner.
Mr.Tanuj Sharma, AAG, Haryana

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MAHABIR SINGH SINDHU, J.

Prayer in this petition is for grant of bail pending trial to the petitioner in case FIR No. 266 dated 22.06.2019 under Section 21 of the NDPS Act, 1985, for short 'the Act', registered at Police Station Thanesar, District Kurukshetra.

Counsel for the petitioner contends that as per the allegations of the prosecution itself, recovery of contraband i.e. 8 grams of heroin is from the personal search of the petitioner but there is no compliance of Section 50 of the Act. Further contends that as per the version of the prosecution itself, it is a busy place where the alleged recovery of contraband has been effected i.e. Pipli Chowk going towards Ladwa side.

Learned State counsel on the instructions of SI Surender, acknowledged the above factual position but opposed the prayer on the ground that it is a chance recovery.

Since the recovery is marginally higher than non-commercial quantity and charges in this case are yet to be framed; petitioner is in custody since 22.06.2019, thus, the trial is likely to take a sufficient long time to conclude, therefore, the provisions of Section 37 of the Act is not applicable in this case.

In view of the above, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the CJM/ Duty Magistrate concerned.

October 03, 2019
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

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