

CRM No. M-1241-2020

Date of Decision : 21.01.2020

Neeraj @ Munnu

...Petitioner

Versus

State of Haryana through Public Prosecutor

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Preeti Manderna, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

VIVEK PURI, J.(Oral)

The petitioner is seeking regular bail in FIR No. 93, dated 24.07.2019, under Section 21 (c) of NDPS Act, 1985 registered at Police Station Jakhal, Haryana.

Briefly, as per the FIR bearing No. 93 dated 24.04.2019 registered at Police Station Jakhal, Haryana, 50 strips of Tramadol Hydrochloride (each containing 10 tablets) and 50 strips of Alprazolam tablets (each containing 10 tablets) were recovered from one Gulzar. Co-accused Gulzar has been granted bail by a Co-ordinate Bench of this Court in CRM-M-49046-2019 vide order dated 03.12.2019.

In view of the disclosure statement made by aforesaid Gulzar, the present petitioner was also nominated and subsequently on 25.07.2019, the petitioner was apprehended and 08 bottles of Onerex (100 ml. each) and 40 strips of Carisoma tablets (containing 10 tablets each) were recovered from him.

It has been contended by the learned counsel for the petitioner that

his arrest was effected on 25.07.2019. The co-accused from whom the recovery

was effected has already been released on bail. Furthermore, Carisoma tablets do not fall within the preview of NDPS Act and quantity of codeine phosphate falls in the category of less than commercial quantity.

Learned State counsel has not disputed the said factual position.

In the instant case the quantity of contraband actually recovered from the petitioner falls in the category of less than commercial quantity. As such, the stringent provisions of Section 37 of NDPS Act do not come into play. The co-accused Gulzar has already been released on bail. Investigation of the case is complete and the challan has already been presented in the Court.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

21.01.2020
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(VIVEK PURI)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>