

Sr.No.225

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

CRM-M-2234-2020

Date of decision:23.01.2020

Satya Narain @ Satta

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. S.S.Dinarpur, Advocate for
Mr. Subhash Godara, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed for seeking regular bail in FIR No.416, dated 29.09.2019 for the offence punishable under Section 15, Act No.61 of Narcotics Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act') registered at Police Station Azad Nagar, Hisar, District Hisar.

Learned counsel for the petitioner has argued that in the present case recovery of 24 kilo 500 gram of poppy husk has been allegedly made from the petitioner but the petitioner was innocent in the case and has been wrongly roped in the present FIR. Learned counsel for the petitioner has further submitted that even otherwise also, recovery is of non-commercial quantity. Petitioner is in custody from the last more than 4 months.

Per contra, learned State counsel on instructions from ASI Vinod Kumar has submitted that although the recovery is of non-

commercial quantity but it is a contraband which falls within the provisions of NDPS Act and therefore, he has opposed the grant of concession of regular bail.

After hearing the learned counsel for the parties and perusing the available record, it transpires that it is a case where recovery is of 24 kilo 500 gram of poppy husk and the petitioner is in custody for more than 04 months. Contention of learned counsel for the petitioner that he is not involved in any other case of NDPS is not disputed by the learned State counsel.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. She be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

23rd January, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*