

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

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**CRM-M-2495-2020
Date of Decision : 11.02.2020**

Rajpreet Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.360 dated 16.11.2019 registered under Sections 22C and 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Dabwali, District Sirsa.

As per the prosecution version, on 28.06.2019 police party headed by SI Ramesh Kumar along with other police officials apprehended the petitioner and his co-accused Jagsir Singh on suspicion and on search recovered 1 kg and 900 gms of poppy husk from the polythene bag of white colour held by the petitioner in his hand and 1 kg and 20 gms of poppy husk along with 960 tablets of Tramadol Hydrochloride Clovidol from the polythene bag held by co-accused Jagsir Singh.

Learned State Counsel has appeared and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. Mandatory provisions of the NDPS act were not complied with. No independent witness was jointed at the time of alleged recovery. Recovery alleged to have been

effected from the petitioner falls under the category of non-commercial quantity. The petitioner is in custody since 16.11.2019. Rigors of Section 37(1)(b) of the NDPS are not applicable qua the petitioner. Trial is likely to take long time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner is accused of having serious offence by keeping the contraband in his possession. The petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, non-applicability of Section 37(1)(b) of the NDPS Act qua the petitioner due to recovery of non-commercial quantity of poppy husk from his possession and the fact that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

11.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No