

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

225

**CRM-M No. 5125 of 2020  
Date of decision : 10.02.2020**

Ved Parkash

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr.K.L.Saini, Advocate  
for the petitioner.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana  
for respondent-State.

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**ARUN KUMAR TYAGI, J. (ORAL)**

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 243 dated 01.11.2019 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Baroda, District Sonipat.

As per the prosecution version, on 01.11.2019 ASI Yashbir along with his fellow officials apprehended accused Ved Parkash on the basis of secret information and on search recovered 850 grams of Charas from the possession of the accused.

The petitioner who is in custody since 01.11.2019 has filed the present petition for grant of regular bail.

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 submitted that the petitioner has been falsely implicated. No independent witness was joined at the time of recovery. Mandatory provisions of the NDPS Act were not complied with. Recovery of non-commercial quantity of charas was made from possession of the petitioner. Section 37(1)(b) of the NDPS Act is not applicable. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody.

On the other hand learned State Counsel has submitted that the petitioner was found in conscious possession of the narcotic substance and in view of the nature of accusation the petitioner does not deserve grant of regular bail.

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 and also the fact that trial is likely to take long time but without commenting on merits, 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.

However, it is made clear that in case of commission of any offence of similar nature by the petitioner in future, his bail in this case shall also be liable to be cancelled on application to be filed in this regard.

**10.02.2020**

Rajeev (rvs)

**(ARUN KUMAR TYAGI)  
JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No