

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

210**CRM-M-7885-2020 (O&M)****Date of decision: 05.11.2020****Sandeep @ Koka****.....Petitioner****versus****State of Haryana****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri****Present:** Mr. Jitender Singh, Advocate for the petitioner.**Mr. Rajiv Goel, DAG, Haryana.***(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in Virtual Court).************GIRISH AGNIHOTRI, J. (Oral)**

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

The petitioner Sandeep @ Koka, stated to be aged 25 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.423 dated 07.12.2019 (wrongly mentioned as 07.12.2029 in bail dismissal order dated 03.02.2020) registered under Section 15C (Act No.61) of The Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at PS Sadar Narwana, District Jind.

Learned counsel for the petitioner based on pleadings, submits that the petitioner was arrested on 07.12.2019. He submits that the alleged recovery is of 300 kgs of poppy husk which is above commercial quantity limit of 50 kgs. Learned counsel submits that on merits, the petitioner has a good prima facie case as there has been alleged non compliance of

mandatory provisions of NDPS Act.

Learned State counsel, on instruction from SI Roshan Singh, submits that the investigation is complete. Challan was presented on 03.03.2020. There are total of 20 witnesses, but none has been examined till date. He further submits that the petitioner is also involved in one another FIR of 2019 under NDPS Act. He then submits that in case, he is released on bail, he is likely to indulge again in same/similar crime.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is a young boy of 25 years and has completed custody of almost one year. He further submits that he has instructions from the petitioner and his family members that in order to show their *bona fides*, the petitioner and his family members are ready to deposit bank gaurantee/original property papers worth Rs.5 lakhs (in the name of petitioner or any of his relatives) with an undertaking that they would not create any encumbrance or sell the said property during the trial. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case he is found involved and found guilty in any other subsequent case (today onwards), the above said property can be confiscated and the amount so realized be forfeited in the Government Treasury.

Counsel for the petitioner then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to

COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

In addition to the bail bonds/surety bonds, in pursuance to the offer made by his counsel, the petitioner would deposit bank guarantee/original property papers worth Rs.5 lakhs (in the name of the petitioner or any of his relatives). He would further give an undertaking that the petitioner or his family members would not create any encumbrance or sell the said property during the trial. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said Bank guarantee/property shall be confiscated and the amount so realized i.e. Rs.5 lakhs be forfeited and deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

05.11.2020

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