

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9737-2020
Date of Decision: 13.03.2020

Khurshid @ Rahi

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Suresh Ahlawat, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, DAG Haryana assisted by
SI Narinder.

* * *

VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 438 dated 02.12.2019 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sector 56, Gurugram.

Briefly, the FIR has been registered in pursuance of the recovery of 80 grams of smack from the possession of the petitioner.

It has been stated by learned counsel for the petitioner that petitioner is a handicapped person, his arrest was effected on 2.12.2019, investigation of the case is complete. Challan has been presented and the quantity of contraband recovered from the possession of the petitioner falls in the category of less than commercial quantity.

This factual position has not been disputed by learned State counsel.

In view of the fact that quantity of contraband recovered from

the possession of 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. Moreover, the investigation of the case is complete and challan has already been presented and furthermore, the petitioner is a handicapped person.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

13.03.2020
Janki

(VIVEK PURI)
JUDGE

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