

CRM-M-10885-2020 (O&M)

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

**CRM-M-10885-2020 (O&M)
Date of decision : 21.05.2020**

Gaurav

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gaurav Arora, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

ALKA SARIN, J.

Heard through Video Conferencing.

Prayer in the present petition is for grant of regular bail under Section 439 of the Criminal Procedure Code, 1973 (hereinafter referred to as 'Cr.P.C.') in FIR No.550 dated 19.08.2019 under Sections 21(b)/61/85 & 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Hansi City, District Hisar, Haryana.

The counsel for the petitioner has submitted that the petitioner has been in custody since 19.08.2019. The petitioner is stated to have been in possession of 222 grams of heroin, which is non-commercial in nature as per Entry No. 56 of Schedule attached with the notification appended to the NDPS Act.

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On the asking of the Court, Mr. Apoorv Garg, DAG, Haryana, has joined the session through Video Conferencing.

It has been stated by the State Counsel on instructions that the challan was presented on 11.11.2019 and the charges were framed on 17.12.2019. He further states that the petitioner has been in custody since 19.08.2019 and further that recovery of 222 grams of heroin is non-commercial in nature.

Without commenting on the merits of the case, considering the facts that the petitioner has been in custody since 19.08.2019, as also that the recovery effected was non-commercial in nature and keeping in view the fact that conclusion of the trial would take some time, the present petition is allowed. The petitioner shall be released on bail on furnishing bail/surety bonds to the satisfaction of the concerned Trial Court /Illaqa Magistrate.

However, it shall be open for the prosecution to apply for cancellation of the bail of the petitioner in case he is found involved in any other case or misusing the concession of bail in any manner.

The present petition stands disposed of in the above-said terms.

21.05.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**