

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

CRM-M-11764-2020

Date of Decision: 21.5.2020

Sonu

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vibhor Bansal, Advocate for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. Case is taken up for hearing today through video conferencing due to pandemic of COVID-19.

2. This is the petition first filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner pending trial in case FIR No. 395 dated 24.8.2019 under Sections 20, 61, 85 of NDPS Act 1985 Police Station Sector 50, Gurugram.

3. Heard.

4. Notice of motion to the Advocate General, Haryana.

5. Mr. Vikrant Pamboo, DAG, Haryana, appears on behalf of the State of Haryana.

6. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case. He further contends that the petitioner had been shown to have been arrested on the spot on 24.8.2019 with a plastic bag of *Ganja patti* whereas he was taken by the Police Department from his shop on 23.8.2019. He further contends that narcotic material recovered from the petitioner has been shown in the FIR as *Ganja Patti* whereas report of the RFS Laboratory, Bhondsi

Gurugram shows the material as “*greenish brown vegetative material having flowering/fruiting tops and seeds etc.*” whereas definition of Section 2 (iii) Cannabis (b) ganja that is the flowering or fruiting tops of the cannabis plant(excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated.

7. Counsel representing the State of Haryana has opposed application for bail but did not contest correctness of submissions made by counsel for the petitioner.

8. I have heard learned counsel for the parties and gone through the paper-book.

9. Learned counsel for the petitioner submits that no alleged raid was conducted by the police and petitioner was not apprehended on the spot.

10. Having heard learned counsel for the parties and without any opinion on merits of the case, I am of the considered view that no useful purpose would be served by keeping the petitioner in jail. The petitioner is in judicial custody since 24.08.2019. It appears to be a fit and proper case for grant of bail pending trial.

11. In view of the above, this petition is allowed. The petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

(RAJIV NARAIN RAINA)
JUDGE

21.5.2020
kv/monika

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