

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

CRM-M-12745-2020
Date of decision: 03.06.2020

Anwar Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Sanchit Punia, Advocate for the Petitioner.
Mr. Munish Sharma, AAG, Haryana.
*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.)*

ARUN PALLI, J. (Oral)

Petitioner prays for a regular bail under Section 439 of Cr.P.C.
in FIR No.0115, dated 10.03.2020, under Section 21(b) of the NDPS Act,
registered at Police Station, Hisar Sadar, District Hisar.

As per the prosecution version, a secret information was received that three young boys, who were in possession of *Chitta* (heroin), were travelling in maruti Eretiga bearing registration No.RJ-31-UA-4364 from Delhi to Sirsa, and if apprehended a consignment of narcotic substance could be recovered from their possession. Accordingly, the vehicle was stopped at the Naka, and upon a search *Chitta* (heroin) weighing 50 grams was recovered from the right side pocket of the trouser of Darshan Singh, whereas Rs.75,000/- were also recovered from his left side pocket. All the three accused had revealed that they had equal share in the said recovery.

Learned counsel for the petitioner submits that ex facie the alleged recovery i.e. 50 grams of *Chitta* (heroine), from Darshan Singh is non-commercial in nature. Further, the challan has since been presented and no recovery is to be effected. And the petitioner is in custody since 10.03.2020.

The factual position, as sketched out above, is not disputed by the learned State counsel.

In the wake of the above, it would be just and appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Needless to assert that this order or any observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

03.06.2020
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO