

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12901-2020 (O&M)
Date of decision: 26.08.2020

Darshan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Parmod Kumar, Advocate,
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.38 dated 07.02.2020, under Section 20 of NDPS Act, 1985 (Section 29 NDPS Act added later on), registered at Police Station, Parao, District Ambala, Haryana.

Learned State counsel, on instructions from SI Jagpal Singh, informs that recovery of 29 Kg. 700 grams of *Ganja* was effected from the petitioner when he was produced before the Naib Tehsildar.

Learned counsel for the petitioner refers to the judgment passed by this Court in *Shanker Lal vs. State of Haryana*, 2001 (4) RCR (Criminal) 531, wherein recovery of opium was effected from the accused when he was searched before the Naib Tehsildar. This Court held that the

be considered to be an Executive Magistrate under the Criminal Procedure Code or Narcotic Drugs and Psychotropic Substances Act.

Heard.

Petitioner is in custody since 07.02.2020.

Keeping in view the judgment passed by this Court in **Shanker Lal's** case (supra); the period of incarceration of the petitioner and the fact that the trial will take some time for its conclusion, this Court feels that no purpose will be served by detaining the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Ambala.

26.08.2020
ajp

(RITU BAHRI)
JUDGE

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