

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

**CRM-M-16353-2020
Date of decision: 18.11.2020**

Ajay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 21 dated 04.03.2020, registered under Sections 22-B/22-C/61/85 of the NDPS Act at Police Station Bhattu Kalan, District Fatehabad.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party apprehended the petitioner on suspicion and after following the procedure, recovery of 180 capsules of *Parvorin Spas* (*Tramadol*) and 09 bottles containing *Chlospheniramine Maleate & Codeine Phosphate* was effected.

Learned counsel for the petitioner further submits that the weight of the capsules was 117.36 grams and weight of the liquid was found to be 01 Kg. 98 grams. It is further submitted that recovery of *Tramadol* falls under the non-commercial quantity and the recovery of *Codeine Phosphate* is marginally above the commercial quantity.

Learned counsel further submits that petitioner is not involved in

any other case; he is a young man and there are moot points involved which are to be decided during trial.

Learned State counsel, while opposing the bail, submits that procedure has properly been followed during investigation and the petitioner was found in conscious possession of the aforesaid contraband.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that investigation is complete; petitioner is not involved in any other case and the trial is likely to take a long time as out of total 18 prosecution witnesses, none has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

18.11.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No