

(Proceedings conducted through video conferencing)

CRM-M-16754-2020

Date of Decision: 14.07.2020

RAJESH @ RAJI

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vinod K. Kaushal, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

VIVEK PURI, J.(ORAL)

Through present petition, the petitioner is seeking regular bail in case FIR No. 186 dated 02.05.2020 under Sections 21/27A/29 of NDPS Act and Section 188 of IPC registered at Police Station Sampla, District Rohtak.

Briefly, the aforesaid FIR has been registered on the allegations that on 22.05.2020, Rajesh @ Raji (petitioner) alongwith his co-accused Chand were travelling on a motorcycle. During the course of the search, 150 grams of heroin and currency notes to the tune of Rs.84100/- were recovered from the petitioner, whereas, 28.30 grams of heroin was recovered from co-accused Chand.

It has been pointed out by the learned counsel for the petitioner that the quantity of contraband recovered from the accused falls in the category of less than commercial quantity. Moreover, the custodial interrogation of the petitioner is over and challan has already been presented in the Court.

On the contrary, it has been pointed out by the learned State counsel that two other cases under the NDPS Act have been registered against the petitioner. It has not been disputed that in both the other cases, the petitioner is on bail.

In the case in hand, the quantity of contraband, recovered from the possession of the petitioner, falls in the category of less than commercial quantity. As such, the stringent provisions of Section 37 of the NDPS Act do not come into play.

Keeping in view the abovesaid facts, no useful purpose will be served by keeping the petitioner behind the bars in the present case. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

14.07.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No