

CRM-M-18332-2020

Date of Decision:12.10.2020

Nanha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH**Present:** Mr.Vikas Bishnoi Godara, Advocate for the petitioner.

Mr.Parveen Kumar Aggarwal, DAG, Haryana.

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Petitioner prays for grant of regular bail in FIR No.129 dated 18.04.2020 registered under Sections 188/269 of the Indian Penal Code and Section 51(b) of the Disaster Management Act, 2005 and Section 21(b)/27-A/29/61/85 of the NDPS Act at Police Station Bhuna, District Fatehabad.

As per the allegations in the FIR, the police party stopped a vehicle of the accused and on suspicion searched both the accused. The police party recovered 100 grams heroin contained in a pouch from the right pocket of lower (pyjama) of the present petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. He further submits that only 100 gms narcotics substance has been recovered, which is a non-commercial quantity. Thus, he prays for grant of regular bail to the petitioner.

Learned counsel for the State opposes the prayer of the learned counsel for the petitioner and submits that the present application for grant

of regular bail to the petitioner be dismissed, Though he does not dispute that the recovery effected from the petitioner is a non-commercial quantity.

I have heard the learned counsel for the parties and perused the case file.

The recovery effected from the petitioner is 100 gms heroin, which falls under non-commercial category. The petitioner is in custody since 18.04.2020. Further, the final report under Section 173 Cr.P.C. is yet to be presented and no useful purpose would be served by keeping the petitioner behind bars. Moreover, conclusion of the trial will take some time keeping in view the prevailing pandemic situation.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered as appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate. .

The petition is allowed.

12.10.2020
mks

(SANT PARKASH)
JUDGE

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