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

CRM-M No. 18912 of 2020
Date of Decision: 04.08.2020

Sandeep Kumar

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepak Vashishth, Advocate,
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.105 dated 22.04.2020 under Section 20(b) (ii) (c) of NDPS Act registered at Police Station Uchana, District Jind.

60 Kgs 300 grams of Ganja was allegedly recovered from co-accused Naseeb. Petitioner has been nominated on the basis of disclosure statement of co-accused Naseeb, who was arrested at the spot along with the contraband.

Learned State counsel on instructions from ASI

Mahabir Singh states that the petitioner is not involved in any other case. He further states that though the petitioner has been nominated on the basis of disclosure statement of co-accused Naseeb, but he is a supplier.

Very nature of contraband being Ganja which is the flowering or fruiting tops of the Cannabis plant excluding the seeds and leaves would be debatable on the strength of **Manjee vs State of Rajasthan, 1996(2) RCR (Criminal) 258** and **Arjun Singh vs State of Haryana, 2004(4) RCR (Criminal) 506.**

Challan has been presented. Charges have already been framed, but no prosecution witness has been examined so far.

Petitioner is in custody since 27.05.2020.

Owing to the situation arising out of pandemic COVID-19, I deem it appropriate to release the petitioner on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

04.08.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |