

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

**CRM-M- 19959-2020  
Date of Decision: 07.08.2020**

**Nikhil**

**... Petitioner**

**v/s**

**State of Haryana**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

**Present: Mr. Sanjay Verma, Advocate for the petitioner.**

**Ms. Gaganpreet Kaur, AAG Haryana.**

*(The case has been taken up through video conferencing on  
account of Covid-19 pandemic)*

**\* \* \***

**VIVEK PURI, J. (ORAL)**

The petitioner has prayed for grant of regular bail in case FIR No. 291 dated 12.6.2020 under Section 21-29-61-1985 of NDPS Act registered at Police Station City Shahabad, District Kurukshetra.

Briefly, the FIR has been registered in pursuance of the recovery of 7.8 gms of heroin (smack) from the possession of the petitioner.

Learned counsel for the petitioner states that the quantity of contraband recovered from the possession of the petitioner is marginally above the small quantity and less than commercial quantity. The petitioner is not involved in any other case under NDPS Act. A case under Section 379-B IPC has been registered against the petitioner but he has been released on bail in that case. Investigation of the case is complete and the challan has already been presented in the Court on 6.8.2020.

Learned State counsel, on instructions of ASI Ashwani Kumar, has not disputed the factual aspect of the matter.

In the instant case, the contraband recovered from the

possession of the petitioner does not fall in the category of commercial quantity and as such, stringent provisions of Section 37 of NDPS Act do not come into play.

Considering the above and the fact that conclusion of trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

**07.08.2020**

Janki

**(VIVEK PURI)  
JUDGE**

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*