

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

**CRM-M-21171-2020 (O&M)
Date of decision: 11.08.2020**

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.235 dated 22.05.2020, under Sections 17 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Rania, District Sirsa.

Learned counsel for the petitioner while referring to the order dated 16.07.2020 (Annexure P-1) passed by the Additional Sessions Judge, Sirsa, argues that recovery of 2 kgs 305 grams of opium is alleged to have been effected from the accused-petitioner, which is less than the commercial quantity as the commercial quantity is 2.5 kgs. He further refers to the judgment dated 20.01.2020 (Annexure P-4) passed by the Additional Sessions Judge, Sirsa, whereby present petitioner has been acquitted of the

and 27-A of NDPS Act, registered at Police Station, Kalanwali, District Sirsa. A perusal of this judgment shows that the ground for acquittal of the petitioner was that he had been involved on a disclosure statement and no recovery had been effected from him. This judgment is of no help to the petitioner as in this case, recovery is stated to have been effected during the lock-down period.

Learned State counsel, on instructions from SI Jagdish Rai, informs that no other case under the NDPS Act is pending against the petitioner. He further states that challan has already been presented and out of 20 prosecution witnesses, none has been examined so far.

Heard.

Keeping in view the period of incarceration of the petitioner and the fact that the trial will take some time for its conclusion, this Court feels that no purpose will be served by detaining the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Sirsa. In case, the petitioner is found involved in any other criminal activity, respondent-State is at liberty to seek cancellation of this bail order.

11.08.2020
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No