

Present : Mr. Sandeep Kotla, Advocate for the petitioner.
Mr. Anant Kataria, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.232 dated 24.06.2020 registered under Sections 21(b)/61 of the NDPS Act, 1985 at Police Station Adampur, District Hisar.
3. Learned counsel for the petitioner contends that no recovery was effected from the petitioner, no notice under Section 50 of the NDPS Act was given to him and that there is no other criminal case against the petitioner, he is in custody since 24.06.2020, trial would take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner in custody any further.
4. Learned DAG, Haryana, on the other hand contends that on 24.06.2020, a police party headed by SI Satbir Singh saw 02 boys coming on a *Pulsar* motorcycle near Dhani Jelluwadhu on Village Sadalpur - Sheikhpur Road and on seeing the police party, they tried to turn the motorcycle towards Dhani, on which they were apprehended on suspicion and on enquiry, Ravi @ Purja produced one transparent polythene paper

Heroine which on weighing was 15 grams and that he as well as the petitioner made a disclosure statement, identifying the place from where they had purchased the *Heroine*.

5. Learned DAG, Haryana, further states that since the petitioner was arrested along with co-accused Ravi @ Purja from whom recovery had been effected, therefore, he was not entitled to bail.

6. The same is opposed by learned counsel for the petitioner, who states that the recovery was effected from Ravi @ Purja and not from the petitioner who was merely accompanying him on the motorcycle.

7. Learned DAG, Haryana, on instructions from ASI Shiv Ram, confirms that recovery of 15 grams of *Heroine* was in fact made from co-accused Ravi @ Purja and not from the petitioner.

8. In the light of the fact that recovery was not effected from the petitioner but from the co-accused, besides the recovery is of non-commercial quantity i.e. 15 grams of *Heroine*, *besides trial would take considerable period of time due to prevailing coronavirus pandemic*, the petition for regular bail is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned, provided he is not required in any other case.

9. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

August 13, 2020

'Rajneesh-Amit'

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