

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23208-2020 (O&M)
Date of Decision:- 24.8.2020

Naresh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.C.Shahpuri, Advocate, for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.87, dated 6.7.2020, Police Station Sadar Jagadhri, District Yamuna Nagar, under Sections 18-61-85 of NDPS Act.
2. As per the case of the prosecution, a secret information was received by the police to the effect that Jaspinder Singh @ Gifti was indulging in sale of 'opium' and that on the said day he would be present in his

house along with huge quantity of 'opium'. Pursuant to receipt of said information the police swung into action and apprehended Jaspinder Singh @ Gifti who was found in possession of 84.5 grams of 'opium'. It is further the case of prosecution that the aforesaid Gifti made a disclosure statement to the effect that the said contraband had been purchased by him from petitioner Naresh Kumar. It was pursuant to the said disclosure statement that the petitioner came to be arrested.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case solely on the basis of the alleged disclosure statement made by co-accused and that in any case the contraband alleged to have been recovered falls in category of non-commercial quantity being less than 2.5 kg.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by the accused from whom recovery was effected and also happens to be involved in 3 other cases, one of which is under NDPS Act while other two are under Gambling Act, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that it is a case of recovery of non-commercial quantity of contraband and that the petitioner was never arrested at the spot and has been nominated on the basis of disclosure statement, the veracity and admissibility of which would be debatable, the petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail

bonds/surety bonds to the satisfaction of learned trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

August 24, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No