

CRM-M-27302-2020 (O&M)

Date of decision: 22.09.2020

Phool Kumar @ Bhodu

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Ramesh Goyat, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to the respondent-State.

Mr. B.S. Virk, DAG, Haryana puts in appearance and accepts notice on behalf of the respondent-State. Copy supplied.

The petitioner-Phool Kumar @ Bhodu, has come up in this second regular bail application under Section 439 Cr.P.C. (first one having been dismissed as withdrawn vide order dated 01.07.2020) in a case bearing FIR No. 666 dated 26.07.2019 under Sections 21 and 25 of the NDPS Act registered at Police Station City Karnal.

The brief allegations are that on 26.07.2019, the police at a barricade, apprehended the petitioner upon receipt of secret

information while he was riding a motor bike and found in conscious possession of 450 grams of smack.

Learned counsel for the petitioner *inter alia* argues that the petitioner is behind the bars for more than one year and the trial is yet to be concluded and has shown apprehension of likelihood of contracting COVID-19 illness.

The learned State counsel though does not displace the facts but has strongly opposed the grant of bail on the grounds of being commercial quantity and heinousness of the crime.

Admittedly, the petitioner has undergone incarceration for more than one year. The State is making frantic efforts to decongest the jails so as to save the lives of the people from the pandemic COVID-19. There is every likelihood that the trial is not likely to be concluded the near future and in view of this situation, this Court is taking a lenient view in allowing the present petition. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

22.09.2020

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No