

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

CRM-25988-2020 in/and
CRM-M-27806-2020 (O&M)
Date of decision: 28.10.2020

Noor Islam @ Dada

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhinav Aggarwal, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

CRM-25988-2020

Application is allowed.

With the consent of learned counsel for the parties, the main case
is taken on Board for final disposal.

Main case

The petitioner prays for grant of bail pending trial in a criminal
case arising from FIR No.0076 dated 14.04.2020 registered under Section 20
of the Narcotic Drugs and Psychotropic Substances Act, 1985, (Sections 3/14
of Foreigners Act added later on) at Police Station Udyog Vihar, District
Gurugram.

As per case of the prosecution, Rajan and Abhishek Kumar were
apprehended with 107 Kg Ganja Patti. The petitioner and another co-accused

Rakesh were indicted as accused on the disclosure statement of persons apprehended. It is further alleged that from the petitioner also, 1 Kg Ganja Patti has been recovered.

Learned counsel for the petitioner contends that there is no admissible evidence to link the petitioner with the alleged recovery of 107 Kg Ganja Patti. He submits that the disclosure statement of co-accused is not admissible in evidence. He further submits that the recovery from the petitioner i.e., 1 Kg. Ganja Patti falls under in the category of small quantity.

Mr. Chetan Sharma, AAG, Haryana has pointed out that the petitioner is a citizen of Bangladesh and it will be difficult to secure his presence. The petitioner is in custody since 15.04.2020.

On completion of the investigation, the police report under Section 173 Cr.P.C. has been filed. However, the charges are yet to be framed. The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the facts of the case, it is directed that the petitioner shall be required to surrender his passport. He shall be released on bail on his furnishing local heavy surety to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

28.10.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No