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

CRM-M No. 33026 of 2020
Date of Decision: 27.10.2020

Anil Kumar

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.370 dated 19.09.2020 under Sections 22, 29, 61, 85 of NDPS Act registered at Police Station Farakpur, District Yamuna Nagar, Haryana.

FIR was registered on the basis of secret information qua involvement of co-accused Subhash Chand.

Subhash Chand was arrested and recovery of 288 capsules in the form of 12 strips of SIMPLEX C+ each containing 24 capsules were recovered.

An offer was given to aforesaid Subhash Chand in

respect of his search before the Magistrate or Gazetted Officer. He opted for Gazetted Officer.

One Satender Pal, Veterinary Surgeon, Animal Husbandry Department was summoned. Search was effected before the said Gazetted Officer.

Petitioner has been nominated on the basis of disclosure statement of Subhash Chand to the effect that he had purchased the Narcotic Substance/capsules from the petitioner.

Petitioner was arrested on 21.09.2020.

As per the reply filed by the State before the court of Sessions, total weight of 288 capsules was found to be 200.44 grams. SIMPLEX C+ contains Tramadol 50 mg. Quantity upto 250 grams is non-commercial in nature. This fact has been tabulated in the reply filed by the State on 06.10.2020 before the Court of Sessions.

The factual matrix could not be disputed by learned State counsel on instructions from ASI Dal Singh.

Challan has already been presented, but charges have not been framed.

Since the petitioner has been nominated on the basis of disclosure statement of co-accused, therefore, his complicity would be debatable.

As per the prosecution itself, total weight of the contraband is found to be 200.44 grams.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

27.10.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No