

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 32540 of 2020

Date of decision : October 16, 2020

Sanjay Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG., Haryana.

Manjari Nehru Kaul, J (oral).

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, in case FIR No.0174 dated 18.8.2020 under Section 22 of the NDPS Act, 1985 registered at Police Station Nathu Sara Chopta, District Sirsa.

Learned counsel for the petitioner inter alia contends that the petitioner is innocent and recovery of 18 strips of innocant capsules, each strip containing 10/10 capsules total 180 intoxicant capsules, weighing 113 grams allegedly recovered from him does not fall within the 'Commercial Quantity'. It has further been contended that the petitioner has been in custody since 18.8.2020 and only challan has been presented till date. Hence, there is no likelihood of the trial concluding in the near future. Learned counsel for the petitioner has also submitted that the petitioner is not involved in any other case, much less under the NDPS Act.

Per contra, learned State counsel, while opposing the prayer of regular bail and submissions so made by learned counsel for the petitioner

on instructions from ASI Ajay Kumar has conceded that the petitioner is not involved in any other case and the recovered contraband does not fall within 'Commercial Quantity'.

Heard.

Keeping in view the fact that the petitioner has been in custody since 18.8.2020 and due to the outbreak of the pandemic COVID-19 the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

October 16, 2020
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No