

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

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CRM-M-34705-2020
Date of Decision: 11.11.2020

Riastee Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM : Hon'ble Mr. Justice Arun Kumar Tyagi

Present : Mr. Satbir Singh Gill, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J.(Oral)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, “the Cr.P.C.”) for grant of regular bail in case FIR No. 184 dated 03.09.2020 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) at Police Station Nathusari Chopta, Distt. Sirsa.

The petitioner being in custody since 03.09.2020 has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel in terms of reply filed by way of affidavit of Deputy Superintendent of Police, Ellenabad in the Registry which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the

petitioner has been falsely implicated in the case. No recovery was made from the petitioner. No independent witness was joined at the time of alleged recovery. The mandatory provisions of the NDPS Act were not complied with. The alleged recovery falls in the category of non commercial quantity. The petitioner has also been falsely involved in two other cases under the NDPS Act but he is on bail in those cases. The petitioner is not a previous convict. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner is a habitual offender. He is involved in two other cases under the NDPS Act. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

However, learned State counsel has conceded that the petitioner is not a previous convict.

Keeping in view the facts and circumstances of the case- nature of accusation against the petitioner, the fact that alleged recovery of 10 kgs of poppy husk from his possession falls in the category of non-commercial quantity, the period of custody of the petitioner and also the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of COVID-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is

ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any offence under the NDPS Act after his release on bail and in case of commission of any offence by him under the NDPS Act after his release on bail, his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

11.11.2020
Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No