

CRM-M-35785-2020

Date of Decision: 09.11.2020

Shivam

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Pradeep Chhoker, Advocate,
for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 603 dated 05.10.2020, registered at Police Station Samalkha, District Panipat, for the alleged commission of an offence punishable under Section 20 of the NDPS Act, 1985.

Learned counsel for the petitioner firstly submits that the recovery was actually not made from him but from the bag carried by his co-accused Ram Sharan. He next submits that the petitioner was less than 18 years of age on the date of the recovery, and further that the recovery even from the bag of Ram Sharan (as per the case of the investigating agency), was 02 kgs and 10 grams of '*Ganja*', with commercial quantity being above 20 kgs.

Lastly, he submits that there is no other criminal case registered against the petitioner, who has been in custody for more than one month now.

Learned State counsel submits that he has no instructions as to the juvenility of the petitioner or any application moved for declaring him as such; but since the petitioner and his co-accused were travelling together on a motor-cycle, the petitioner would also be equally an accused.

Having considered the matter, keeping in view the entire circumstances given hereinabove, with learned State counsel otherwise not denying that there is no other criminal case registered against the petitioner or as regards the quantity of the contraband stated to have been recovered from the bag of the co-accused, without making any comment on the actual merits of the case for or against the petitioner, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

November 09, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.