

CRM-M-35654-2020

Date of Decision: 09.11.2020

Bikar @ Deepak

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Choudhary, 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. 343 dated 30.09.2019, registered at Police Station Bhuna, District Fatehabad, for the alleged commission of offences punishable under Sections 21 (b) and 27-A of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been named as a co-accused allegedly upon a disclosure statement made in custody by the person from whom 06 grams of heroin were alleged to have been recovered (as per the case of the investigating agency), with the petitioner not being involved in any other case under the provisions of the NDPS Act, 1985 prior to this.

He further submits that even the quantity of heroin alleged to have

been recovered from his co-accused is well below commercial quantity.

Learned counsel for the State, on the other hand, submits that the petitioner though not involved in any criminal case registered under the provisions of the NDPS Act, 1985, however, has other cases registered against him under the provisions of Section 323 etc. of the IPC and therefore does not deserve the concession of bail.

Without making any comment on the actual merits of the case, considering the fact that the quantity of heroin stated to have been recovered from the co-accused of the petitioner (as per the case of the investigating agency), is well below commercial quantity, and the petitioner having been named as an accused alleged on a disclosure statement made by his co-accused in custody, 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
Whether Reportable

Yes
No.