

CRM-M-36240-2020

Date of Decision: 11.11.2020

Kuldeep

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Saurabh Dalal, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

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. 459 dated 09.07.2020, registered at Police Station City Rohtak, for the alleged commission of offences punishable under Sections 20/29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that even as per the case of the prosecution (though obviously denied by the petitioner), the recovery of the '*Ganjapati*' from him is only marginally above commercial quantity, i.e. 20 kgs and 540 grams, with the commercial quantity being above 20 kgs.

He further submits that there is no other criminal case registered against the petitioner, who has been in custody for the past 04 months, with no

prosecution witnesses having been examined so far.

Learned State counsel submits that since the recovery from the petitioner is of commercial quantity, even if it is marginally above, he does not deserve the concession of bail.

However, as regards the period of custody and the stage of the trial, he could not refute that, as per his instructions from Sub-Inspector Bharat Singh.

That being so, without making any comment on the actual merits of the case, 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 11, 2020
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE
Yes
No.