

230

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

CRM-M No.39339 of 2020(O&M)

Date of Decision: 03.12.2020

Bhutto Ram and another

.....Petitioners

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Neha Dewan, Advocate
for the petitioners.

Mr. Rajiv Goel, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.146 dated 04.09.2020 registered under Section 21(b) of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station Guhla, District Kaithal.

Petitioners are accused of offences under Sections 21-(b) and 29 of the NDPS Act. 18 grams of smack/heroin was allegedly recovered from Surjeet Ram (petitioner No.2) along with transparent polythene and 10 grams of smack/heroin was allegedly recovered from petitioner No.1 with transparent polythene. Both the samples were subjected to analysis by sending 2 grams each to FSL. In parcel No.1,

heroin/diacetylmorphine was detected to the tune of 3.7% w/w and in parcel No.2, heroin/ diacetylmorphine was detected to the tune of 7.2% w/w.

Learned counsel for the petitioners submits that even if the entire bulk is to be taken into consideration, the contraband will not go beyond the non-commercial quantity which is 250 grams as per serial No.56 of the Schedule/Notification. 5 grams is the small quantity. Petitioners are not involved in any other case under NDPS Act except a case under Section 420 IPC.

Learned State counsel admits the aforesaid position that one more case under IPC is pending against the petitioners and there is no other case against the petitioners under NDPS Act. Challan has been presented but charges have not been framed so far. Petitioners are in custody since 04.09.2020.

At this stage, without adverting to the merits of the case, keeping in view situation arising out of pandemic Covid-19 and stage of the trial, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, petition is allowed. Petitioners are ordered to be enlarged on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

03.12.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No