

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

SMRITI
2020.01.17 17:38
I attest to the accuracy and
integrity of this document

CRM-M-50976-2019
Date of Decision: 17.01.2020

Vinod

... Petitioner

vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. K.L.Saini, Advocate, for the petitioner.

Mr. B.S.Virk, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

In the instant case, the petitioner is seeking regular bail in case FIR No. 477 dated 07.10.2019 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Safidon, District Jind.

Precisely, the allegations against the petitioner are to the effect that on 07.10.2019, 1 kg and 300 grams of Ganja have been recovered from his possession. The quantity of contraband recovered from the possession of the petitioner is less than the commercial quantity. The arrest of the petitioner was effected on 07.10.2019.

A perusal of order dated 08.11.2019 passed by Sessions Judge, Jind, indicates that the bail has been declined on the score that the petitioner is also involved in another case bearing FIR No. 476 dated 07.10.2019 under Section 20 of the NDPS Act, registered at Police Station Safidon.

It has been further stated by learned counsel for the petitioner that the petitioner has not been named in the aforesaid FIR No. 476 dated 07.10.2019 and the allegations in the said FIR are with regard to recovery of small quantity of Ganja and both the cases have been registered on the same day.

This aspect has not been disputed by learned State counsel. However, he has stated that in case bearing FIR No. 476 dated 07.10.2019, the accused, from whom the recovery has been effected in the said case, has made a confessional statement against the present petitioner.

Be that so, it remains the fact that the quantity of contraband recovered in the instant case does not fall in the category of commercial quantity and as such, the stringent provisions of Section 37 of the NDPS Act do not come into play. Moreover, the petitioner is in custody for the last more than three months. The investigation is complete and challan has already been presented.

In these set of circumstances, sufficient grounds are made out to grant the bail to the petitioner. Accordingly, the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

(VIVEK PURI)
JUDGE

17.01.2020
smriti

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No