

224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SMRITI
2020.02.28 15:35
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CRM-M-53644-2019
Date of Decision: 27.02.2020.

Vikas ... Petitioner
vs.
State of Haryana .. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Navmohit Singh, Advocate, for the petitioner.

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

VIVEK PURI, J.(ORAL)

Briefly, FIR No. 124 dated 24.08.2019 under Sections 21 and 61 of the NDPS Act has been registered on the allegations that on 24.08.2019, the petitioner alongwith Suresh Kumar (Driver) and Rohtas were travelling in a car bearing registration number HR26-CG-7855 and 25 grams of heroin was recovered from the dashboard.

Learned counsel for the petitioner contends that petitioner was sitting on the rear seat and as such it cannot be sufficiently construed that he was in conscious possession of the contraband. Petitioner is stated to be involved in another case under the NDPS Act and he is on bail in that case. Furthermore, co-accused of the petitioner has been released on bail.

The fact that the co-accused of the petitioners are on bail in this case and the petitioner is on bail in another case has not been disputed by the learned State counsel.

In the instant case, the quantity of the contraband falls in the category of less than commercial quantity. The arrest of the petitioner was effected on 24.08.2019 and since then he is in custody. The investigation of the case is complete and challan has already been presented in the Court

Keeping in view the entire circumstances of the case and without making any observation on the merits of the case, sufficient grounds are made out to extend the concession of 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

27.02.2020.

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