

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

212

CRM-M-53589-2019

Date of decision: 07.01.2020

Leelu Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana

ARUN KUMAR TYAGI, J (ORAL)

Prayer in the present **1st** petition filed under Section 439 of the Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.194 dated 30.08.2019 (**Annexure P-1**) registered under Section 17 of the NDPS Act, 1985 at Police Station Sadar Sirsa, District Sirsa.

The application has been opposed by learned State Counsel. However, no written reply has been filed by the respondent-State.

Learned Counsel for petitioner submitted that the petitioner has been falsely implicated in the case. The alleged recovery from possession of petitioner is of 500 grams opium besides 1 Kg of opium recovered from the car which is less than commercial quantity and Section 37 of the NDPS Act is not applicable in the present case. The mandatory provisions of the NDPS Act were not complied with. No independent witness was joined in the investigation. The trial is likely to take long time. The petitioner is in custody since 5.08.2019. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

Learned State Counsel has submitted that the petitioner

committed serious offence by keeping 500 grams of opium in his possession apart from 1 Kg opium recovered from the car in which the petitioner was travelling. Previously the petitioner had been convicted in case FIR No. 34 dated 30.02.2004 under Section 18 of the NDPS Act registered in Police Station Ding, District Sirsa. The petitioner does not deserve the concession of regular bail. Therefore, the bail application be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, alleged recovery being of non-commercial quantity, non applicability of Section 37 (1) (b) of the NDPS Act, the period of his custody and the fact that trial is likely to take long time but without expressing any opinion on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of bail bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Sirsa.

However, in case of commission of any offence under the provisions of the NDPS Act by the petitioner in future, his bail in the present case shall also be liable to be cancelled on filing of application in this regard.

07.01.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No