

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

223

**CRM-M-55162-2019
Date of Decision : 09.01.2020**

Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ajay Arora, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.141 dated 17.09.2019 registered under Sections 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Ding, District Sirsa.

Learned State Counsel has appeared and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated. The mandatory provisions of the NDPS Act were not complied with. Recovery of 54 gms heroin was allegedly made from the petitioner which falls in the category of non-commercial. All other co-accused have already been granted regular bail

by learned Trial Court. The petitioner is in custody since 17.09.2019. He is not involved in any other case under the NDPS Act. Rigors of Section 37(1)(b) of the NDPS are not applicable. Trial is likely to take long time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other land, learned State Counsel has argued that the petitioner is accused of having kept in his possession huge quantity of narcotic substance. Therefore, the petitioner does not deserve the concession of regular bail.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, non-applicability of Section 37(1)(b) of the NDPS Act and the fact that trial is likely to take time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

09.01.2020
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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