

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

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**CRM-M-54380-2019
Date of Decision: 07.01.2020**

Jogender @ Ginder

... Petitioner

vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Parveen Aggarwal, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure (in short, 'Cr.P.C') for grant of regular bail to the petitioner in case FIR No. 483 dated 03.09.2019 registered under Sections 21 and 27-A of Narcotic Drugs and Psychotropic Substances Act (for short 'the Act') at Police Station Sadar, District Hisar.

2. As per the allegations, on 03.09.2019 in pursuance of the secret information, the petitioner was apprehended while travelling in a Swift Dezire vehicle. From the search of the vehicle, 100 gram of heroine was recovered from the dashboard.

3. It has been stated by learned counsel for the petitioner that the quantity of contraband allegedly recovered from the petitioner falls in the category of less than commercial quantity. The Special Court has declined the bail primarily on the score that four other cases have been registered against the petitioner. It has been further stated by learned counsel for the petitioner that the petitioner is on bail in the other cases and none of the other cases are under NDPS Act.

4. The learned State counsel has not disputed the factual position. He further submits that the investigation of the case is complete and report under Section 173 Cr.P.C. has already been presented in the Court.

5. The quantity of contraband recovered from the possession of the petitioner falls in the category of less than commercial quantity and as such the stringent provisions of Section 37 of the Act do not come into play. The arrest of the petitioner was effected on 03.09.2019. The investigation of the case is complete and challan has already been presented. None of the earlier FIRs pertain to the offence under the NDPS Act.

6. In these set of circumstances, sufficient grounds are made out to grant the bail to the petitioner. Accordingly, the 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

07.01.2020
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No