

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4257-2021 (O&M)
Date of decision: 13.09.2021

Swaran Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.334 dated 06.12.2020 under Section 15/61/85 of NDPS Act and Section 61/1/14 of Excise Act, registered at Police Station Sadar Ratia, District Fatehabad.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Vishal Singh, while on patrol duty, a person was seen coming carrying a polythene bag in his hand and on seeing the police party, he became perplexed and tried to enter the house and he was

apprehended by the complainant at the gate of house and inquired about his name, upon which he told his name as Swaran Singh. Thereafter, on the basis of suspicion, a notice under Section 50 of NDPS Act was given to him and a Gazetted Officer was called at the spot. In the meantime, the complainant noticed smell of illicit liquor coming out from one plastic drum, which was kept near the main gate of house. On suspicion, the complainant checked and found illicit liquor in iron drum. Thereafter, when the Gazetted Officer came, on search of the polythene bag, which the petitioner was carrying in his hand, 1 kg 250 gms of poppy husk was recovered.

Learned counsel for the petitioner has argued that recovery from the petitioner is of non-commercial quantity and he is in custody for about 09 months. It is further submitted that challan has already been presented before the trial Court and it will take some time in conclusion of the trial. It is also submitted that in the year 2010, the petitioner was involved in two cases under the Public Gambling Act and three cases under Excise Act, however, the same are decided.

Learned State counsel has filed the custody certificate dated 10.09.2021 in the Court today and has, however, submitted that apart from the present case, the petitioner is facing trial in two other FIRs i.e. FIR No.234 and 336, both under Excise Act.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that recovery from the petitioner under NDPS Act is of non-commercial quantity, I deem it appropriate

to grant him the concession of regular bail.

Accordingly, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

13.09.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No