

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

CRM-M-7390-2021

DECIDED ON: 22nd FEBRUARY, 2021

DHARMENDER KUMAR @ DABBU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

This petition is for regular bail in FIR No. 404, dated 29th November, 2020, under Section 17-b of The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) registered at Police Station Sadar Dabwali, District Sirsa.

A naka was set up on 29th November, 2020. During checking an Alto Car bearing registration No. HR-26-J-2170 driven by Dharmender Kumar @ Dabbu (petitioner), was stopped. On search of car one KG opium was recovered from a transparent polythene bag, lying under the driver's seat.

Learned counsel for the petitioner submits that the recovery is intermediate quantity. The petitioner is behind the bars since 29th November, 2020, no recovery is to be made and no other case of similar nature is pending against him.

Learned State counsel opposes the prayer for grant of bail and submits that the recovery was not of a small quantity. However, he on

instructions from ASI Ishwar Singh, fairly submits that the petitioner is not involved in any other case under the NDPS Act.

Recovery made from the petitioner is not of commercial quantity; investigation is complete; no recovery is to be made; challan has been presented and the trial is likely to take time, in such circumstances, it would not be appropriate to deny the petitioner of his personal liberty.

The petitioner is granted bail subject to his furnishing surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

22nd FEBRUARY, 2021
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>