

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-8560-2021

DATE OF DECISION: 02.03.2021

GURDAS ALIAS HAPPY

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Samar Partap Singh Ahluwalia, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.8 dated 22.01.2021, under Section 18 of the NDPS Act, 1985, registered at Police Station Sector 20, District Panchkula.

Learned counsel for the petitioner contends that it is alleged that 273 grams of opium was recovered from the petitioner. He further contends that erroneously in paragraph 2 of the petition, it has been mentioned as 273 grams of heroin. He has drawn my attention to the FIR wherein it is mentioned that 273 grams of opium (non-commercial) was allegedly recovered. The petitioner is 25 year of age and is not involved in any other case under the NDPS Act. He is in custody for over a month.

Learned State counsel contends that the petitioner has only been in custody for over 1 month and 10 days and in view of the seriousness of the allegations pertaining to recovery of 273 grams of opium, he is not entitled to the concession of regular bail. He also contends that the matter is under investigation.

Heard through video conferencing.

In view of the above, especially when the recovery is of non-commercial quantity (273 grams of opium), the petitioner 25 year of age, he is not involved in any other case under the NDPS Act, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

02.03.2021

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No