

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

**CRM-M No.10422 of 2021 (O&M)
Date of Decision.10.03.2021**

Satish Kumar

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.468 dated 21.12.2020 under Sections 17 and 18 of the NDPS Act, 1985 registered at Police Station Jind Sadar, District Jind.

Counsel for the petitioner herein would contend that the petitioner herein has been falsely implicated in the said matter, as perusal of the contents of FIR would reveal that the alleged recovery was effected under the seat of car of the co-accused and therefore, the petitioner herein was not in conscious possession of the alleged contraband. It is further argued that the recovery effected was of 2 kilogram 56 grams of opium, which is less than the commercial quantity. The investigation is complete and the challan stands presented and therefore, prays for grant of regular bail.

Learned counsel appearing for the respondent-State opposes the regular bail, who argues that no ground is made out for concession of

regular bail as the petitioner is involved in two more FIRs.

I have heard learned counsel for the parties. Since the investigation is complete and the challan has already been presented and the alleged recovery effected is of non-commercial quantity and the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

March 10, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No