

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

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**CRM-M-14527-2021 (O&M)
Date of Decision: 06.04.2021**

VIKAS @ BANTI

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Neha Dewan, Advocate
for the applicant-petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J.(Oral)

(The case has been taken up for hearing through video conferencing.)

CRM-10049-2021

For the reasons mentioned in the application, the same is allowed and applicant-petitioner is exempted from filing the certified copies of the documents Annexure P-1 to P-4 and the same are taken on record.

CRM-M-14527-2021

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, “the Cr.P.C.”) for grant of regular bail in case FIR No. 11 dated 07.01.2021 registered under Sections 15 (b) and 18 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) at Police Station Cheeka, District Kaithal to which Section 29 of the NDPS Act was added later on.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not apprehended on the spot and no recovery was made from him. The petitioner was named by his co-accused Binder in his disclosure statement who alleged that after purchasing the contraband from Ali he supplied part of it to the present petitioner on the asking of co-accused Neeraj. Rigors of Section 37(1)(b) of the NDPS Act are not applicable qua the petitioner. The petitioner is not involved in any other case under the NDPS Act. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that in view of the nature of accusation and gravity of offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

However, learned State counsel has conceded that the petitioner is not involved in any other case under the NDPS Act.

Keeping in view the facts and circumstances of the case nature of accusation against the petitioner, particularly the facts that the

petitioner was not arrested on the spot, no recovery was made from him, he is implicated on the basis of disclosure statement of co-accused, he is not involved in any other case under the NDPS Act, consequent inapplicability/due satisfaction of rigors of Section 37(1)(b) of the NDPS Act and that the trial is likely to take long time due to restrictions imposed to prevent spread of COVID-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any offence under the NDPS Act after his release on bail and in case of commission of any offence by him under the NDPS Act after his release on bail, his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

06.04.2021*Vishal***(ARUN KUMAR TYAGI)
JUDGE**

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No