

Naveen Kumar

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.78 dated 04.02.2021 registered under Sections 21/61/85 of the NDPS Act, 1985 at Police Station City Sirsa, District Sirsa.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 05.02.2021, that recovery from the petitioner is of non commercial quantity of 120 grams of *heroin*, the petitioner does not have any other criminal case registered against him, nor he is a previous offender, investigation is complete, challan has been presented, therefore, no useful purpose would be served by keeping the petitioner behind bars.

4. Learned counsel has relied upon decision dated 06.02.2020

in case titled as '*Ajay Kumar* versus *State of Punjab*' in CRM-M

No.4587 of 2020, in which the petitioner, from whom there was recovery of 270 grams of *heroin*, was released on bail by considering the recovery to be marginally above the commercial quantity as also in view of the fact that investigation in the case was complete and the petitioner was not stated to be involved in any other case under the NDPS Act.

5. Learned counsel for the petitioner has not disputed that the quantity of *heroin* recovered is 120 grams and that petitioner is not involved in any other case, nor is a previous convict and that investigation is complete and challan has been presented.

6. In the light of the position noted above I am of the considered view that no useful purpose would be served by keeping the petitioner behind bars, since the trial is likely to take considerable period of time to conclude.

7. Accordingly, in view of the position noted above, but without commenting upon the merits of the case, the petition under Section 439 Cr.P.C. is *allowed*. Petitioner-Naveen Kumar is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. Petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C.

8. Needless to mention, in case the petitioner is involved in any other case under the NDPS Act during the period while he is on regular bail in the instant case, the prosecution would be at liberty to

petitioner in the instant case.

9. Petition *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

27.08.2021
'Rajneesh/Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>