

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

CRM-M No.16949 of 2021 (O&M)
Date of Decision.28.04.2021
(HEARD THROUGH VC)

Manoj Kumar

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. B.S. Saroha, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.54 dated 11.02.2021 under Section 18 of the NDPS Act registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioner *inter alia* would contend that he has been falsely implicated in the said matter, while further contending that only 170 grams of opium is stated to be recovered from him. It is argued that bar of Section 37 of the NDPS Act would not be attracted since the alleged recovery is non-commercial. The investigation is complete and the challan stands presented and therefore, prays for concession of regular bail to the petitioner.

Learned counsel appearing for the respondent-State opposes grant of bail to the petitioner by contending that the petitioner herein has been nominated as an accused in another FIR wherein alleged recovery is of 1 kg of ganja.

I have heard learned counsel for the parties. Keeping in view

the fact that alleged recovery effected from the petitioner is of non-commercial quantity and the challan already stands presented and the trial is likely to take some time to conclude, as owing to COVID-19 pandemic, only urgent matters are being heard in the trial Courts, 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

April 28, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No