

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

CRM-M-23433-2021 (O&M)

Date of decision: 06.10.2021

Satbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 335 dated 15.10.2020, registered under Sections 15 and 27-A (added later on) of the Narcotic Drugs & Psychotropic Substances Act at, 1985 (for short 'NDPS Act') at Police Station Murthal, District Sonipat.

Learned counsel for the petitioner submits that the FIR was registered at the instance of ASI Ramesh that while on patrol duty, he got some information regarding sale and purchase of narcotics at a Dhaba. On receiving such information, a notice under Section 42 of the NDPS Act was prepared and sent to the police station. When the complainant, along with other police officials, reached the said Dhaba, one person ran away from the counter and the police party followed him and noticed that he

threw two jute bags of white and yellow color. He was nabbed and on inquiry, he disclosed his name as 'Nitin Kumar'. Thereafter, by following the due procedure, 18.5 Kgs. of doda post and 11.2 Kgs. chura post were recovered.

Learned counsel further submits that the petitioner was neither named in the secret information nor he was arrested at the spot and his name surfaced during investigation when aforesaid co-accused gave his name.

Learned counsel further submits that co-accused Nitin, on whose disclosure the petitioner was nominated in this case, has already been granted concession of regular bail, vide order dated 24.02.2021 passed in CRM-M-7858-2021 (Annexure P-3) as the recovery was of non-commercial quantity. It is further submitted that since the petitioner was facing trial in one more case under the NDPS Act and stands convicted in another case under the NDPS Act, his bail application has been rejected.

Learned State counsel has filed the custody certificate and submitted that petitioner is convicted for four years in another case under the NDPS Act and he is facing trial in one more case under the NDPS Act, in which he is on bail. As per custody certificate, the petitioner was arrested on 30.04.2021.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that in the present case, the petitioner was nominated on the basis of disclosure statement of aforesaid co-accused Nitin, who

has already been released on regular bail as noticed above and also in view of the fact that conclusion of trial is likely to take some time as the case is fixed for framing of charges only, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

06.10.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

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