

CRM-M No.24210 of 2021
Date of Decision : 28.07.2021

Versus

State of HaryanaRespondent

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

Present : Mr.Satnam Singh Gill, 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.61 dated 02.03.2021 registered under Section 20, NDPS Act, 1985 at Police Station Butana District Karnal.
3. Learned counsel contends that although the name of the petitioner figures in the FIR, yet the same was on the basis of secret information but the petitioner was not arrested from the spot besides recovery of 5 kgs. 600 grams of *ganja patti* was made from co-accused Ravi Shankar Kumar, who on his arrest on 02.03.2021 disclosed the involvement of the petitioner in the matter whereafter the petitioner was arrested on 07.03.2021. However, no recovery was made from the petitioner. Challan has been presented in the case on 27.04.2021 though

charges are yet to be framed, consequently, trial would take considerable period of time to conclude, therefore, no useful purpose would be served by keeping the petitioner behind bars.

4. Learned State Counsel on the other hand on instructions from *SI Ilam Singh* contends that although petitioner has been behind bars since 07.03.2021 and was arrested only on the basis of secret information and disclosure statement of co-accused and no recovery was effected from the petitioner, yet he is involved in 03 cases under the Excise Act, in which he was convicted and has undergone the sentence, as also 02 cases under the NDPS Act out of which in one case he was acquitted while in the other case, he is facing trial pertaining to recovery of 800 grams of *ganja patti*.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, the petitioner was arrested on the basis of secret information/disclosure statement of co-accused on 07.03.2021, no recovery was effected from the petitioner, there is no other material to connect the petitioner with the commission of the offence, Challan has been presented on 27.04.2021, though charges are yet to be framed, therefore, no useful purpose would be served by keeping the petitioner behind bars as trial is likely to take considerable time to conclude.

7. Accordingly, in the light of the position noted above, the petition under Section 439 Cr.P.C. is allowed and petitioner-Satish

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. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case. It is further made clear that if the petitioner is involved in any other case under the NDPS Act during the period while he is on bail in the instant case, prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

8. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

28.07.2021

'Rajneesh'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*