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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24325-2021
Date of Decision: 19.07.2021

Balwinder Singh @ Binder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rajat Mor, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed on behalf of the petitioner under Section 439 of the Cr.P.C. seeking regular bail in case FIR No.96 dated 28.04.2021, under Sections 18(c) of the N.D.P.S. Act, registered at Police Station Guhla, District Kaithal.

[2]. The petitioner has remained in detention for almost 3 months, since 28.04.2021.

[3]. *Opium* weighing 53 grams, including the polythene cover in which it was being carried was allegedly recovered from the petitioner. Such quantity though above the prescribed small quantity is well short of commercial quantity of 2½ kgs., on account of which, the rigors of Section 37 of the N.D.P.S. Act would not be attracted.

[4]. From the Trial Court's order, it transpires that earlier the petitioner was convicted for offences under the N.D.P.S. Act and was awarded imprisonment for 10 years, but the same has been already

undergone by him. He was acquitted in another case under the N.D.P.S. Act as also in one more case under the IPC.

[5]. In these circumstances, without commenting any further on the merits of the present case as a whole, but in view of the detention undergone by the petitioner so far, and the fact that the recovery effected from him in the present case is many times below the prescribed commercial quantity, at this stage, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[6]. Disposed off.

19.07.2021

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No