

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

CRM-M-25283 of 2021

DECIDED ON: 8th November, 2021

Azad

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Talim Hussain, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No. 95 dated 29.9.2020, under Section 20 of NDPS Act, 1985, registered at Police Station Bahin.

As per the case set up, police party received a secret information that on 29.9.2020 that Shakir and Azad are indulging in smuggling of Ganja and they would be going from Shankar Bhatta via Kacha rasta from Ali Meo village on motor cycle bearing registration No.HR-30-M-9408. Nakka-bandi was done, the riders of the bike fled away leaving behind the motor cycle and bag containing 35.5.kg Ganja.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot, no recovery was made. The motor cycle recovered from the spot does not belong to the petitioner. Petitioner is in custody since 7.2.2021, investigation is complete. Submission is that secret information was not reliable as Shakir was found innocent during investigation by the police.

Reply dated 3.11.2021 filed by the State is taken on record.

Learned State counsel opposes the grant of bail. She submits that there was recovery of 35.5 kg of Ganja.

The petitioner was not apprehended from the spot. He has no criminal antecedents. There is nothing on record at this stage to connect the petitioner with the recovered motor cycle. Co-accused named in the secret information has been found innocent during investigation. Considering the custody period and the facts that conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8th November, 2021

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**(AVNEESH JHINGAN)
JUDGE**

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