

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-25644-2021 (O&M)

Date of Decision:-17.9.2021

Nihal Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashdeep Nain, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Gulab Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.351 dated 20.12.2020 at Police Station Sadar Tohana, District Fatehabad under Sections 18 and 27-A of Narcotic Drugs & Psychotropic Substances Act.
2. As per the case of prosecution, the police apprehended co-accused Satish and whose search led to recovery of 250 grams of 'opium'. It is further the case of prosecution that during the course of interrogation, he disclosed that he had purchased the said contraband from the petitioner Nihal Singh for a sum of ₹40,000/- leading to arrest of the petitioner on 8.5.2021.
3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and was never present at the spot

nor any recovery was effected from him. It has further been submitted that the petitioner has been nominated on the basis of disclosure statement made by co-accused, which would hardly carry any evidentiary value.

4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by the person from whom recovery of 250 grams of 'opium' was effected, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 ½ months and he stands convicted in one more case under NDPS Act. It has also been informed that the trial in the instant case is yet to commence.
5. I have considered rival submissions addressed before this Court.
6. It is a case of recovery of non-commercial quantity of contraband from co-accused Satish. The petitioner has been nominated on the basis of disclosure statement of co-accused, the admissibility and veracity of which would be debatable. In any case, since the petitioner has been behind bars for the last about 4½ months and trial is yet to commence, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No