

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

**CRM-M-25737-2021
Date of Decision : 12.07.2021**

Sandeep Kumar @ Kesra

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 143 dated 14.04.2021 under Section 17 of the NDPS Act, 1985 registered at Police Station Dabwali Sadar, District Sirsa, Haryana.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of SI Raja Ram, it is stated that the petitioner was apprehended on suspicion and on search, 750 grams of *opium* was recovered from the cloth bag.

Learned counsel for the petitioner further submits that though it will be a matter of trial regarding the manner in which the investigation has been conducted, however, recovery of 750 grams of *opium* falls in non-commercial quantity.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 14.04.2021 and the investigation is complete and it is

further submitted that the petitioner is not involved in any other case and is the first offender.

Learned State counsel does not dispute the factual position that the petitioner is not involved in any other case and *challan* stands presented, however, the prosecution evidence is yet to start.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case and considering the facts and circumstances of the present case, 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/Illaq Magistrate, concerned.

12.07.2021

Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No