

CRM-M-27513-2021

Date of Decision: 04.10.2021

Kamal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sumeet Puri, Advocate,
for the petitioner.

Mr. Munish Sharma, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 296, dated 05.06.2021, registered at Police Station City, District Kaithal, for the alleged commission of an offence punishable under the provisions of Section 20 of the NDPS Act, 1985.

A reply dated 04.09.2021 has been filed on behalf of the respondent-State, which is ordered to be taken on record.

As per the said reply, the petitioner is stated to have been named as an accused by one Sikander @ Bodi, who, as per the case of the prosecution, was apprehended with 21 kgs and 300 grams of '*Ganja*' (with commercial quantity being more than 20 kgs); and thereafter, the petitioner and one Jony are stated to have been apprehended from the court complex at Kaithal, after which Jony being a juvenile was admitted to bail by the Juvenile Justice Board concerned.

The said reply is ordered to be taken on record.

Learned counsel for the petitioner submits that actually no recovery at all has been made from the petitioner, even though it is stated in paragraph 7 of the reply of the DSP that in fact after the disclosure statement made by his co-accused, the petitioner himself also suffered a disclosure statement and identified the place where he has kept a bag containing '*Ganja Patti*', with learned State counsel further submitting that he was also supplied 03 to 04 kgs of '*Ganja Patti*' by the aforesaid Jony.

It is also stated that there is no other criminal case registered against the petitioner.

Consequently, in the aforesaid circumstances, with the petitioner only having been named as an accused on an alleged disclosure statement made by his co-accused in custody, and the recovery, if made from him at all, being 03 to 04 kgs of '*Ganja Patti*' which is well below commercial quantity, even as per the learned State counsel, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

October 04, 2021

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No.