

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

**CRM-M-23009-2020**

**Date of Decision : 05.04.2021**

Narender @ Motu

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Ms. Sunita Gupta, Advocate for  
Mr. Mohammad Arshad, Advocate  
for the Petitioner.

Mr. Anmol Malik, Dy. Advocate General, Haryana assisted by  
ASI Pawan Kumar  
for the Respondent/State.

**SUDIP AHLUWALIA, J. (ORAL)**

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.152, dated 17.05.2019, registered under Sections 18/61/85 of the NDPS Act, at Police Station Narnaud, District Hisar.

2. The Petitioner has by now remained in detention for more than 01 year and 10 months since 24.05.2019.

3. Admittedly, the recovery effected from the Petitioner was of *opium* weighing 500 grams, which is well below the commercial quantity. Co-accused Rampal @ Satyawar has already been granted bail by the Ld. Sessions Judge, Hisar on 31.05.2019 as can be seen from Annexure P-3.

4. Ld. State Counsel has nevertheless opposed bail prayer of the

Petitioner by drawing attention of the Court to the history of his previous convictions in various cases involving at the particular time not only for offences under the NDPS Act, but also the heinous offence punishable under Section 302 of the IPC.

5. Be that as it may, it is undeniable that when apprehended the Petitioner was not an absconder and appears to have secured his release by way of suspension of his sentence, considering the custody period already undergone by him in the concerned cases.

6. The rigors of Section 37 of the NDPS Act, 1985 are not applicable in the present case since the alleged recovery was of lesser quantity than the commercial limit.

7. Trial in the case is likely to take its own substantial time since it transpires that so far not even the first prosecution witness has been examined and the matter is stated to be fixed for that purpose on the 6<sup>th</sup> of July, 2021.

8. In the circumstances, further detention of the Petitioner at this stage is not called for. As such, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

9. Disposed off.

**April 05, 2021**

**Dpr**

**(SUDIP AHLUWALIA)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No