

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

(Through video conferencing)

**CRM-M No.39512 of 2021(O&M)
Date of Decision: 27.09.2021**

Vikash @ Vicky

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Deepak Grover, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.42 dated 14.02.2021 registered under Section 20 of the NDPS Act at Police Station NIT Faridabad, District Faridabad.

The FIR was registered on the basis of secret information that the petitioner is involved in selling of ganja. Naka was installed and car of the petitioner was stopped. Petitioner was apprehended. Total 20.725 kg of ganja was recovered.

Learned counsel for the petitioner submits that the alleged recovery is marginally in excess of the commercial quantity, which is 20 kgs as per schedule. Petitioner is not

involved in any other case. Learned counsel relies upon **Shinda Vs. State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu Vs. State of Punjab, 2012(22) RCR (Criminal) 301** in the context of recovery being marginally in excess of the quantity prescribed for commercial quantity.

Learned State counsel on a pointed query informs the Court that the challan has been submitted without FSL report.

Having heard learned counsel for the parties and in view of alleged recovery, which is marginally in excess of commercial quantity, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 27, 2021
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No