

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

CRM-M-40817-2021

DECIDED ON: 5th October, 2021

Surender @ Bindrakhia

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Kartar Singh, Advocate for petitioner.

Mr. Amrik Narwal, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 166, dated 9.8.2021, under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhattu Kalan, District Fatehabad.

As per the case of the prosecution on 9th August, 2021, police party checked a car and apprehended Surender Singh (petitioner) and co-accused Rohtash. 17 kg 200 grams crushed poppy straw was recovered from case.

Learned counsel for the petitioner submits that recovery from petitioner is of non-commercial quantity. It was crushed poppy straw. He is in custody since 9.8.2021. No further recovery is to be made. He is not involved in any other case under NDPS Act. Co-accused Charan Singh was granted bail by this Court on 30.9.2021.

Learned State counsel opposes the prayer for grant of regular bail

and submits that the matter is under investigation.

As per the case set up there was recovery of non-commercial quantity of poppy straw from the car of the petitioner. He is in custody since 9.8.2021. He has no criminal antecedents. Completion of investigation and conclusion of trial is likely to take time, bail is granted to the petitioner subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

5th October, 2021

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*
Whether reportable *Yes*