

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

CRM-M-37066 of 2020.

Decided on:- February 05, 2021.

Manoj.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Chirag Kundu, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is the third petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in FIR No.204 dated 17.11.2019 under Sections 20 and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Pillu Khera, District Jind.

The earlier petitions i.e. **CRM-M-3580 of 2020** and **CRM-M-24231 of 2020** filed by the petitioner for the similar relief were dismissed as withdrawn vide orders dated July 24, 2020 and August 27, 2020 respectively.

As per the FIR, on 17.11.2019 while the police party was on patrolling duty in order to detect crime, the petitioner was apprehended along with two other co-accused, namely, Sonu and Vikas. During their search, 100

grams smack, 100 grams white powder, 50 grams light yellow coloured powder and 50 grams dark brown colour powder were recovered from the conscious possession of the petitioner. Whereas from the possession of co-accused Sonu alias Janardan, 500+945 (total 1445 grams) grams *ganja* and from the conscious possession of co-accused Vikas, 2 kg. 100 grams *ganja* were recovered. As per the report of RFSL, white coloured, yellow coloured and dark brown coloured powder so recovered from the possession of the petitioner was also detected as heroin.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.11.2019, whereas co-accused Vikas alias Janardan has already been admitted on bail by learned Additional Sessions Judge, Jind vide order dated 04.01.2020. There is no other case against the petitioner under the NDPS Act. Challan in the case has been presented and charges have been framed against the accused including the petitioner on 16.04.2020 and the case is now fixed for prosecution evidence. The petitioner is entitled to be released on bail for non-compliance of Section 50 of the NDPS Act.

Learned State counsel, on instructions from ASI Ram Mehar, does not dispute the custody of the petitioner and the fact that there is no other case against the petitioner under the NDPS Act as well.

I have heard learned counsel for the parties.

The contention of learned counsel for the petitioner that the compliance of Section 50 of the NDPS Act was not made, is a matter which is to be appreciated during the course of trial. However, noticing the fact that the petitioner is in custody since 16.11.2019 and the co-accused, namely, Vikas alias Janardan has already been granted regular bail by learned Additional

Sessions Judge, Jind vide order dated 04.01.2020, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

February 05, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No