

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38136-2020

Date of Decision: 05.03.2021

Mahabir Prasad

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 seeking regular bail in case FIR No. 525 dated 31.10.2020 under Sections 22-C, 27-A of NDPS Act, 1985, registered at Police Station City Fatehabad.

As per the allegations in the FIR, on 31.10.2020, co-accused-Sanjiv Kumar of the petitioner was found in possession of 600 NRX Tramadol Hydrochloride, Diclofenac Sodium, Dicyclomine Hydrochloride and Chlorpheniramine Maleate Capsules PARVORIN-SPAS RIDLEY weighing 500 grams and 2400 Alprazolam Tables IP XL-PAM 0.5 weighing 528 grams. It is alleged that in his disclosure statement he had stated that he had purchased the said contraband for a sum of Rs. 8,300/- from the petitioner.

Learned counsel for the petitioner has argued that the petitioner was falsely implicated in the present case. He relied upon the decision of Division Bench of this Court in Dharamveer and

another Vs. State of Punjab passed in CRM-M-25433 of 2015, to contend that in the absence of any recovery of contraband from the possession of the accused Section 37(1) (b) (ii) of NDPS Act is not attracted. The petitioner is in custody since 02.11.2020.

Without commenting anything on merits of the case and keeping in view the fact that trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19, no useful purpose will be served by keeping the petitioner behind the bars till the conclusion of trial.

Accordingly, this petition is allowed. Petitioner-Mahabir Parsad is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate concerned.

[HARINDER SINGH SIDHU]
JUDGE

March 05, 2021
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no