

219-A

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

CRM-M No.38620 of 2020(O&M)

Date of Decision: 19.04.2021

Bunty

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Simranjeet Singh, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.260 dated 07.09.2020 registered under Sections 21(b), 27-A, 61, 85 of the NDPS Act and Section 14 of the Foreigner Act at Police Station Uchana, District Jind.

Learned counsel for the petitioner submits that Section 14 of the Foreigners Act, 1946 is not applicable qua the petitioner as the same is applicable to co-accused Emmanuel Nnebo alias Onyesif Kingstey who has already withdrawn his

petition. 200 grams of heroin was recovered from a car and Bunty was driving the same and Ramesh @ Mesha was found sitting in the car. The contraband recovered from the car falls under the category of intermediate quantity. Petitioner is not involved in any other case. Petitioner is in custody since 07.09.2020. Challan has been presented.

Factual position of the case could not be disputed by learned State counsel, however, she submits that the complicity of the petitioner would be determined by the trial Court on the basis of evidence to be led by the parties. 200 grams of heroin was without any permit and licence and the allegations are serious in nature.

In view of aforesaid facts and circumstances of the case, particularly in view of the fact that alleged recovery is of intermediate quantity and petitioner has no antecedent behaviour of criminal activities in NDPS Act, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on 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 any opinion on merits of the case.

19.04.2021
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No