

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

**CRM-M No. 44502 of 2021 (O&M)
Date of Decision: 29.10.2021**

Sanju

..... Petitioner

Versus

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rahul Vats, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

[Through Video Conferencing]

SURESHWAR THAKUR, J. (ORAL)

An FIR bearing No.404 of 25.08.2021, constituted therein offence under Section 18 of the NDPS Act, is lodged, against the bail applicant, at Police Station City Tohana, District Fatehabad, Haryana.

In pursuance to the afore lodged FIR, the accused – bail applicant herein is in judicial custody.

The applicant has, hence, instituted the instant petition before this Court for seeking an order, for his being enlarged on bail.

Learned State Counsel, Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana, very fairly submits that the quantum of contraband i.e. opium weighing 250 grams became recovered from the conscious possession of the accused. He further submits that the weight of the contraband falls within the ambit of intermediate quantity thereof.

Since, with respect to the afore weight of contraband, as,

allegedly recovered, from the conscious possession of the bail applicant-

accused, the rigors of the mandate of Section 37 of the NDPS Act are not applicable. Moreover, when in respect of the afore weight of contraband (*supra*), as become allegedly recovered from the conscious possession of the accused, the Courts of law deem it fit to grant the concession of bail to the petitioner – accused concerned.

Consequently, the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the trial Court concerned as and when he is required to be making his personal appearance.

October 29, 2021

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>