

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

CRM-M-52144 of 2021

DECIDED ON:21st December, 2021

Apoorav Sharma

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Dheeraj Narula, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.166 dated 13.5.2021, under Section 15 (c) of the NDPS Act, registered at Police Station Sadar Dabwali, District Sirsa, Haryana.

As per the case of the prosecution, three bags weighing 20 Kgs Poppy Husk were recovered from the Car driven by Apoorav Sharma (petitioner). The other co-occupants of the car were Ravi Yadav and Venu.

The contention of learned counsel for the petitioner is that while weighing contraband recovered the weight of plastic bags was not excluded. The recovery is marginally higher than the commercial quantity.

Learned counsel for the petitioner relies upon the fact that considering the custody period of six months and recovery being marginally higher, co-accused was granted bail vide order dated 1.12.2021. Parity is claimed with the co-accused.

Learned State counsel opposes the prayer for grant of bail and is not able to distinguish the case of the petitioner qua the co-accused *vis-a-vis* the bail.

The petitioner is in custody for more than seven months, co-accused was granted bail, recovery is marginally higher than the commercial quantity, the petitioner has no criminal antecedents, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

21st December, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>