

TARANJEET

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.R.Sharma, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 278 dated 27.09.2019 under Sections 21, 27A of NDPS Act, registered at Police Station GRP, Ambala Cantt.

Custody certificate has been placed on record.

Briefly, as per the allegations of the prosecution, 125 injections of Buprenorphine and 125 Avil viles were recovered from the possession of the petitioner.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 02 years, 09 months and 19 days as on 18.07.2022, none of the witnesses have been examined so far and the petitioner is not involved in another case under NDPS Act.

Learned counsel for the petitioner has sought to rely upon the decision of Hon'ble the Supreme Court rendered in *Criminal Appeal No. 668 of 2020* titled as *Amit Singh Moni Vs. State of Himachal Pradesh*, wherein bail has been granted to the accused in a case pertaining to the recovery of

commercial quantity, after he had completed more than 02 years and 07 months of actual custody.

Learned State counsel has resisted the application on the score that the quantity of contraband recovered in the instant case falls in the category of commercial quantity and the petitioner is also involved in another case bearing FIR No. 236 dated 27.04.2022 under Section 309 IPC registered at Police Station Baldev Nagar, Ambala.

It is no doubt true that the quantity of contraband in the instant case falls in the category of commercial quantity, but in the aforesaid decision of the Hon'ble the Supreme Court rendered in *Amit Singh Moni's* case (supra), bail has been granted to the accused on the ground of long incarceration, particularly, when the trial was not progressing. Moreover, the petitioner is not involved in any other case under NDPS Act and the offence under Section 309 IPC is bailable.

Even in the instant case, the petitioner is in custody for a period of 02 years, 09 months and 19 days and no witness has been examined so far.

Considering the above and the fact that the trial is likely to consume some more time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

25.07.2022
Janki

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