

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-5042-2022

Decided on : 10.02.2022

Bijender @ Vijay

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 250 dated 21.08.2021 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Salhawas, District Jhajjar.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and at any rate, the alleged recovery effected from the petitioner is of 1 Kg. and 121 Grams of poppy husk which is just a little over the 'small' quantity as the small quantity, as per law, is 1 Kg. and the said recovery is much lower than the commercial quantity, since, as per the law, the commercial quantity is 50 Kg. It is further submitted that the petitioner has been in custody since

21.08.2021 and the challan in the present case has been presented and there are 17 witnesses out of which none have been examined and thus, the trial is likely to take time, moreso in the view of the present COVID-19 pandemic situation.

Learned State counsel has opposed the present application for regular bail and has submitted that the said recovery of 1.121 Kgs. of poppy husk has been made from the petitioner. It is further submitted that challan in the present case has been presented on 14.10.2021. The other facts mentioned by learned counsel for the petitioner are not disputed by learned State counsel.

Keeping in view the facts and circumstances, moreso, the fact that the alleged recovery effected from the petitioner is of 1 Kg. and 121 Grams of poppy husk, which is just a little over the stipulated 'small' quantity of 1 Kg. and is far below the stipulated commercial quantity which is 50 Kg. and the petitioner has been in custody since 21.08.2021 and the challan has already been presented and the petitioner is not involved in any other case and there are as many as 17 witnesses out of which none have been examined and thus, the trial is likely to take time, moreso in view of the present COVID-19 pandemic situation, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

February 10th, 2022
Mehak

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