

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

**CRM-M No. 5562 of 2022
Date of Decision: 27.04.2022**

Pardeep @ Golu

..... Petitioner

Versus

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Apoorva Arya, Advocate, for
Mr. Sukhveer S. Killianwali, Advocate
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 322 of 30.07.2021, which was registered against him, at Police Station Sector-5, Gurugram, constituting therein an offence under Section 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is alleged, that from the conscious and exclusive possession of the petitioner, 7.5 kgs. of *Ganja* became recovered, at the crime site, by the Investigating Officer concerned.

3. More specifically the apposite recovery was made from the car concerned, as became occupied, at the relevant time, by the petitioner alongwith other co-accused. The weight of the afore recovered narcotic drug, i.e. *Ganja*, makes it fall within the ambit of non-commercial quantity thereof. Therefore, the rigors of Section 37 of NDPS Act, are

not hence applicable thereons, thereupon, this Court is constrained to

accept the prayer of the bail applicant.

4. Moreover, also since the bail petitioner is facing judicial incarceration since 30.07.2021, thereupon, the afore prolonged judicial incarceration is required to be curtailed, especially for facilitating her personal liberty being protected.

5. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant is a habitual offender.

6. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as his making an undertaking before the learned trial Court, that he shall not indulge in any criminal activity, whereupon, on breach thereof, the benefit of regular bail, as granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest him, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

7. Consequently, with condition (supra), 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 learned trial Court

concerned, as and when he is required to be making his personal appearance unless validly exempted.

April 27, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

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