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

CRM-M-11531-2022

Date of decision:16.05.2022

MAYA RAM

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. A.G. Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein the present bail petitioner seeks the indulgence of regular bail.

2. FIR No.0306 of 10.12.2021, constitutes therein offences embodied under Section 20 of NDPS Act (Section 27-A, and, 29 of NDPS Act added later on), and, is lodged at Police Station Badhra, District Charkhi Dadri, therein, the commission of incriminatory offences are attributed to the bail petitioner.

3. From the crime site, ganja weighing 2 kgs became recovered from the conscious, and, exclusive possession of the accused Amit. However, the afore Amit named the present bail petitioner to be the supplier thereof. Therefore, the petitioner's role in the petition crime, is, of his being an accessory before the fact, and, also his being a conspirator in the petition offence.

4. Be that as it may, since the weight of the seizure makes it fall within the ambit of non-commercial quantity thereof. Therefore, the rigors of Section 37 of the NDPS Act are not applicable thereons, and, rather the bail petitioner becomes entitled to his being admitted to bail.

5. Moreover, also when the prosecution, at this stage, has not adduced any evidence, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, thereupon, this Court does not deem it fit, and, appropriate to prolong the judicial detention of the present bail petitioner, as, thereupon his personal liberty would become unnecessarily fettered, and, curtailed

6. Consequently, it is not necessary to prolong the judicial incarceration of the bail petitioner. The instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to 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, his not influencing prosecution witnesses, and, besides also his appearing before the learned trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

7. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

16.05.2022

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Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No