

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12133-2022 (O&M)
Date of decision: 28.03.2022

Ajay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.K. Lathwal, Advocate and
Mr. Man Mohit Malik, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.579 dated 20.09.2021 under Section 15 of NDPS Act, registered at Police Station Shivaji Colony, District Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the basis of secret information that Rohit, Sagar and Ajay are involved in the business of selling the narcotic substance and are carrying doda-post in gunny bags and they are standing under flyover and can be

apprehended. On receiving the information, a notice under Section 42 of NDPS Act was prepared and the same was sent to the police station for registration of FIR and thereafter, the Investigating Officer reached at the spot, where he found that three boys were sitting over plastic gunny bags near the pillar of flyover. One boy ran away from the spot, however, two boys were apprehended, who disclosed their names as Ajay (petitioner) and Sagar. Thereafter, by giving a notice under Section 50 of NDPS Act, their search was conducted and from the petitioner, two bags of 10 kg and 13 kg, total 23 kg of doda-post and from co-accused Sagar, 23 kg of doda-post, was recovered.

Learned counsel has referred to notice under Section 50 of NDPS Act, to submit that a joint notice was given to both the accused i.e. petitioner Ajay and Sagar, therefore, the same is not proper compliance of Section 50 of NDPS Act. In this regard, learned counsel has relied upon a judgment of the Hon'ble Supreme Court in **State of Rajasthan Vs. Parmanand and another, 2014 (2) RCR (CrI.) 40**. It is further submitted that the petitioner is in custody for the last 06 months and 03 days; he is first offender and the investigation is complete.

Learned State counsel, on the basis of custody certificate dated 25.03.2022 filed in the Court today, has not disputed the factual position. It is also not disputed that a joint notice under Section 50 of NDPS Act was given to both the accused.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed

to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

28.03.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No