

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

209

CRM-M-15916-2022 (O&M)

Date of Decision: 25.04.2022

NAVEEN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.326, dated 24.05.2021 under Section 22 of the NDPS Act, 1985, registered at Police Station City, Rohtak.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that as per FIR itself, the recovery of 1200 tablets with manufacturing date of March, 2021 of Alprazolam i.e. 0.5 mg. each is allegedly effected from the petitioner. It is contended that the total recovery, thus effected is 600 mg. (1200 X 0.5) and upon conversion thereof, the same would become 600 mg. i.e. 0.6 grams. He further submits that commercial quantity of Alprazolam is 100 grams and small quantity thereof is 5.0 grams. Thus, the recovery being 0.6 grams would even be lesser than small quantity. He further contends that the petitioner is in custody since 24.05.2021 and that he is not involved in any other case.

The petition is opposed by the learned State counsel by stating that recovery of 1200 tablets of Alprazolam has actually been effected from petitioner and that four witnesses out of 24 prosecution witnesses have already been examined. It is, however, not disputed by him that the recovery effected from the petitioner is that of small quantity and he is in custody since 24.05.2021.

Taking into consideration the period of actual custody, which is now more than 11 months and the fact that the petitioner is not involved in any other case and further that the recovered quantity does not fall under the commercial quantity, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

25.04.2022
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No