

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

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CRM-M-16165-2022 (O&M)

Date of Decision: 02.08.2022

VISHRAM RAI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Navneet Singh, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.207 dated 22.04.2018, registered at Police Station Gannaur, District Sonipat, under Section 20 of the NDPS Act.

Learned counsel for the petitioner submits that the alleged recovery was effected from a truck, which was been driven by Amit @ Kala; that the petitioner was sitting by the side of the driver; that the similarly situated co-accused, namely, Kuldeep, has already been granted the concession of regular bail by this Court on 06.07.2022; that the owner and driver of the truck, namely, Satish Kumar and Amit @ Kala, have also been granted the concession of bail and that the petitioner has been in custody since 22.04.2018. He further submits that prosecution evidence is still going on and that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody

period of the petitioner. He, however, submits that a huge recovery of 630 kg ganga patti was effected in the present case, which is a commercial quantity and that Section 37 of the NDPS Act bars the grant of bail to the accused in case of the commercial quantity. He further submits that there are total 16 prosecution witnesses and 11 have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.04.2018. Similarly situated co-accused as well as owner and driver of the truck have already been enlarged on bail. There is no other case registered and/or pending against the petitioner. Some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

02.08.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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