

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

**CRM-M No. 16831 of 2022
Date of Decision: 25.04.2022**

Lukmaan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Lekh Raj Nandal, Advocate, for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 59 of 24.02.2022, which was registered against him, at Police Station Bhondsi, District Gurugram, Haryana, constituting therein offences under Sections 20B, (ii)-b, 61, 85 of the NDPS Act, 1985.

2. The incriminatory role, as, attributed to the bail applicant – petitioner in the FIR (supra), is of his being a supplier of *Ganja*, weighing 10.17 kgs, to the principal accused, from whose alleged conscious, and, exclusive possession, and, at the crime site, the apposite recovery became effectuated.

3. The learned State Counsel, on instructions, meted to him, by SI Satish Kumar, submits that the weight of the afore seizure, 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, rather this Court is constrained to accept the prayer of the bail applicant. Moreso, when the relevant seizure has already occurred at the crime site.

4. Given the afore, and, also when no material has been placed on record by the prosecution, suggesting that in the event of the bail applicant being enlarged on pre-arrest bail, there is every likelihood of his fleeing from India, and, or, tampering with prosecution evidence. Therefore, this Court does not deem it fit to order for the custodial interrogation of the bail petitioner.

5. In sequel, it is ordered that in the event of arrest of the bail applicant-petitioner, he be released on anticipatory bail, by the Investigation Officer, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before him, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also, as and when he is summoned by the investigating officer, through a written Hukamnama, his cooperating in the investigations to be made into the offence(s) concerned.

6. Disposed of.

April 25, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

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