

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22328-2022
Date of decision : 26.05.2022

Gautam

... Petitioner

Versus

The State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Dhruv Gupta, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.110 dated 18.03.2022 registered under Sections 20/29 (added later on) of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (in short “NDPS Act”) at Police Station Butana, District Karnal.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and the recovery effected from the petitioner is of 1 kg. 200 grams of Ganja phool patti, which is much lesser than the commercial quantity stipulated, which starts from 20 kg. It is further submitted that the petitioner has been in custody since 18.03.2022 and there are 9 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time.

Learned State counsel, on the other hand, has opposed the

present petition and has submitted that recovery of Ganja phool patti has been effected from the present petitioner.

Keeping in view the above said facts and circumstances moreso, the fact that the recovery of 1 kg 200 grams of ganja phool patti has been effected from the petitioner as per the prosecution case but the same is much lesser than the commercial quantity stipulated as the same starts from 20 kgs. and the petitioner has been in custody since 18.03.2022 and challan has already been presented and there are 9 prosecution witnesses, out of whom, none have been examined and thus, the trial is likely to take time, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

May 26, 2022
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No