

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

229

CRM-M No.23550 of 2022
Date of Decision: 22.08.2022

Deepak @ Dholu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mohit Rathee, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR bearing No.08 dated 09.01.2021, under Sections 20 and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act') (Section 20-A of NDPS Act added later on), registered at Police Station Jhoju Kalan, District Charkhi Dadri.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 09.01.2021 and the allegation against the petitioner was that there was an alleged recovery of 4 kgs 400 grams of charas from the car the petitioner was driving. He submitted that the petitioner is not the main accused and the main accused has been granted bail.

On the other hand, learned State counsel has submitted that there was a recovery of 4 kgs 400 grams of charas which falls in the category of commercial quantity under the NDPS Act and, therefore, bail of the petitioner is hit by the bar contained under Section 37 of the NDPS Act. He further

submitted that although the other accused has been granted bail but there is no ground available with the petitioner, who was caught on the spot, for making a departure from the bar contained under Section 37 of the NDPS Act.

I have heard learned counsel for the parties.

As per the prosecution, the petitioner was caught along with 4 kgs 400 grams of charas which falls in the category of commercial quantity under the NDPS Act. No ground is available with the petitioner for making a departure from the bar contained under Section 37 of the NDPS Act.

Consequently, finding no merit in the present petition, the present petition is hereby dismissed.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

22.08.2022
manju

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No