

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

**CRM-M No.24255 of 2022
Date of Decision:- 04.07.2022**

Sonu

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

Prayer is for grant of regular bail in case having FIR No.22 dated 16.01.2022 registered under Sections 489-B & 489-C of IPC and Sections 21/61/85 of NDPS Act, 1985, at Police Station City Sirsa, Haryana.

The counsel for the petitioner contends that the petitioner was falsely implicated in the present case on the basis of alleged disclosure statement made by co-accused Aman Kumar @ Pamma from whom the police recovered 15.65 grams of heroin and Rs.1,47,800/- stated to be drug money. The counsel further contends

that the petitioner was arrested on 24.02.2022 and no incriminating article has been recovered from the petitioner against whom the police has already presented challan on completion of the investigation. The counsel further contends that co-accused Sachin who has also been nominated as an accused on the basis of alleged disclosure statement of Aman kumar @ Pamma, has already been granted interim bail by this Court. The counsel further contends that the petitioner is entitled to grant of regular bail.

The present petition is opposed by the State counsel on the ground that 15.65 grams of heroin and drug money worth Rs.1,47,800/- was recovered from co-accused Aman Kumar @ Pamma by th police on 16.01.2022. The State counsel further contends that as per the disclosure made by aforesaid Aman Kumar @ Pamma, the aforesaid contraband was supplied to him by the petitioner. The State counsel further contends that the petitioner is involved in another four cases under NDPS Act and as such, is not entitled to grant of regular bail in the present case. However, the State counsel has not disputed the fact that the petitioner was arrested on 24.2.2022 and during investigation no incriminating article was recovered from the petitioner against whom the police has already presented the challan on completion of investigation.

Admittedly, the petitioner is in custody in the present case since 24.02.2022. As has been stated by the counsel for the State no incriminating article has been recovered from the petitioner, who

was named as an accused on the basis of disclosure statement of co-accused Aman Kumar @ Pamma from whom 15.65 grams of heroin and drug money worth Rs.1,47,800/- has been stated to be recovered. Co-accused Sachin who has also been nominated as an accused on the basis of disclosure statement of Aman Kumar @ Pamma has already been granted interim bail by this Court. After investigation of the case, the police has presented the challan against the present petitioner and Aman Kumar @ Pamma and it will take time for the trial to conclude. The alleged recovery of 15.65 grams of heroin from the co-accused, comes under non-commercial quantity of contraband and as such rigors of Section 37(1)(b) of NDPS Act are not applicable to the case in hand. As has been clarified by the counsel for the petitioner, the petitioner has already been granted bail in another four cases registered against him under NDPS Act.

In these circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

04.07.2022

P. Chawla

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No