

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25584 of 2022 (O&M)

Date of decision : 09.06.2022

Suraj

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Sahil Gambir, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asstt. A.G. Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.96 dated 07.03.2022 registered under Sections 15, 27-A and 29-61-85 of the Narcotic Drugs and Psychotropic Substance Act (in short “NDPS Act”) at Police Station Pehowa, District Kurukshetra (Haryana).

Counsel for the petitioner, *inter-alia*, relies upon the order passed in CRM-M-18776-2022, titled as “Leela Ram Vs. State of Haryana” dated 11.05.2022, whereby co-accused of the petitioner, namely, Leela Ram has been granted concession of regular bail by this Court. Thus, counsel for the petitioner prays that he is at parity with Leela Ram and submits that in the present case the alleged recovery from the present petitioner as well as co-accused Leela Ram is of 9 k.g. of poppy straw, which is much lesser than the commercial quantity i.e. 50 k.g. and, thus, the bar under Section 37 of the NDPS Act would not be attracted. It is further submitted that the petitioner is in custody since 07.03.2022. The challan in the present case

stands already presented. Learned counsel further submits that there is no other case pending against the petitioner.

Per contra, learned State counsel would contend that the petitioner is being involved in the offence punishable under the NDPS Act and the alleged contraband having been recovered from him on the spot. Therefore, the petitioner does not deserve for grant of concession of regular bail.

Keeping in view the facts and circumstances of the present case and also considering the fact that the alleged recovery from the petitioner as well as his co-accused-Leela Ram, is of 9 k.g. of poppy straw. It is lesser than the commercial quantity. The challan has already been presented in the case. More so, 16 prosecution witnesses need to be examined. Thus, the trial is likely to take some time as such, the present petition is allowed.

The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Illaqua Magistrate/Trial Court/Duty Magistrate, concerned.

Needless to say nothing recorded herein shall be construed as an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.06.2022
Anjal

Whether speaking/reasoned	Yes
Whether Reportable :	No