

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

CRM-M-25850-2022

Date of decision: 06.07.2022

Kuldeep

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashwani Kumar Antil, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.207 dated 22.04.2018, registered at Police Station Ganaur, District Sonapat, under Section 20 NDPS Act.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that alleged recovery of 630 kg *Ganja Patii*, had allegedly been effected from a truck being driven by co-accused Amil @ Kala, who has since been granted the concession of regular bail by this Court, vide order dated 25.06.2020 passed in CRM-M-14703-2020; that the petitioner was working as a cleaner on the said truck and he had no concern with the recovered contraband. Moreover, owner of the truck i.e. Satish Kumar has since been granted the concession of regular bail by a Coordinate Bench, vide order dated 02.05.2019 passed in CRM-M-5445-2019.

Learned counsel further contends that though recovery of the aforesaid contraband allegedly effected in the present case, falls under

the commercial quantity, yet the fact remains that the petitioner has been in custody since 22.04.2018 and out of 16 prosecution witnesses, 11 witnesses have been examined so far. The conclusion of the trial would take a long time. There is no other case registered or pending against the petitioner. On this premise, the learned counsel prays for the grant of bail to the petitioner. In support of his contentions, the learned counsel relies upon the order delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.7871/2021, titled as 'Sushil Biswas Vs. State of West Bengal', decided on 08.12.2021.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery of extent of contraband effected in the present case, falls under the commercial quantity. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.04.2018. Out of 16 prosecution witnesses, 05 witnesses are yet to be examined. There is no other case registered or pending against the petitioner, at least of similar nature. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, as noticed above, the co-accused have since been granted the concession of regular bail.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, it is made clear that in case, the petitioner is found indulged in any other case under the NDPS Act, the prosecution would be at liberty to seek cancellation of his bail in this case.

06.07.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No