

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

CRM-M-26115-2022
Date of Decision:-20.07.2022

MAHENDER KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.13 dated 6.1.2022 registered under Section 15 NDPS Act at Police Station Rania, District Sirsa.

The counsel for the petitioner submits that the petitioner has joined investigation in the light of the previous order passed by the Co-ordinate Bench of this Court.

State counsel on instructions from ASI Prem Kumar has not disputed this fact and further submits that the petitioner is not required for custodial interrogation.

Admittedly, the petitioner was not named in the FIR and was later on nominated as an accused on the basis of disclosure statement of co-accused Vinod Kumar and Naveen Kumar from whom 4.900 kgs. of poppy husk was stated to have been recovered. The embargo provided in Section 37 of NDPS Act is not applicable to the case in hand as the recovery of aforesaid contraband comes under non-commercial quantity.

In view of the above and without commenting on the merits of the case, present petition is allowed and order dated 9.6.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

20.07.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No