

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

CRM-M-27631-2022
Date of Decision:-04.07.2022

SURENDER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.157 dated 5.4.2022 registered under Section 17 NDPS Act at Police Station Sadar District Fatehabad.

Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. As per the FIR, there are allegations that 250 grams of Opium were recovered from the present petitioner and one Ramesh Kumar while they were riding on a motorcycle which was driven by the petitioner on 5.4.2022. The counsel further contends that the petitioner is in custody since the date of his arrest i.e. 5.4.2022 and the police has

presented the challan after completion of investigation and the present case is involving non-commercial quantity of Opium and thus the rigour of Section 37 of the NDPS Act are not applicable to the case in hand.

The State counsel while opposing the present petition has not disputed the fact that the present case involves recovery of 250 grams of Opium, which falls under non-commercial quantity of the contraband, as per the provisions of the NDPS Act. The State counsel has also not disputed the fact that the petitioner is in custody since 5.4.2022 and on completion of the investigation challan has been presented.

Admittedly, the petitioner is not involved in any other case and the present case is relating to recovery of non-commercial quantity of contraband (250 grams of opium) and investigation has already been completed by the police. It will take time for conclusion of the trial, which is yet to commence, so 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 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
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No