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

CRM-M-28134-2022

Date of decision:05.07.2022

SANJAY ALIAS FAUJI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. P.K. Pandey, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. In FIR No.109 of 03.06.2022, registered at Police Station Rozka Meo, District Nuh, offence(s) constituted under Section 21(B) of NDPS Act, 1985, is embodied.
2. At the crime site, from the alleged conscious, and, exclusive possession of the principal offender, 10 grams of heroin became recovered, by the investigating officer, through appositely drawn seizure memos.
3. However, during the course of the arrested principal offender becoming subjected to police remand, he made a disclosure statement to the investigating officer concerned, wherein, he named the present bail petitioner to be the supplier of the seizure, as made from his purported conscious, and, exclusive possession, at the crime site.
4. Therefore, the present bail petitioner becomes a conspirator along with the principal offender, and, also becomes amenable for being charged,

obviously along with the principal offender concerned, for an offence constituted under the relevant provisions of the NDPS Act.

5. However, the learned State counsel, on instructions given to him by SI Surender Kumar submits, that the weight of the seizure makes it fall within the ambit of non-commercial quantity thereof, and, obviously hence, the rigors of Section 37 of the NDPS Act are not applicable thereons, and, the bail petitioner becomes entitled to his being admitted to anticipatory bail.

6. In consequence, the present petition is allowed, and, in the event of the arrest of the bail petitioner, the investigating officer may not arrest the bail petitioner, however, subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into the offences mentioned in the present FIR. Moreover, also with an undertaking, that he shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses.

05.07.2022

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**(SURESHWAR THAKUR)
JUDGE**

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No