

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

CRM-M-29496-2022(O&M)  
Date of Decision:-06.08.2022

PARMIT ALIAS KALA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

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Present:- Mr. K.L. Saini, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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**KARAMJIT SINGH, J.** (Oral)

The present petition has been filed under Section 439 Cr.P.C by the petitioner seeking grant of regular bail in case having FIR No.493 dated 11.05.2022, registered under Sections 21B of the NDPS Act, 1985 at Police Station Barwala, District Hisar, Haryana.

Learned counsel for the petitioner contends that the alleged recovery i.e. 82 grams and 40 milligrams of heroine was already effected from co-accused Nisha. The petitioner is in custody since 11.05.2022 and

no incriminating article was recovered from his possession and that the Police has already presented challan against both the accused and the petitioner is having no criminal history. Counsel for the petitioner made prayer that the petitioner be released on regular bail.

Learned State counsel who is having advance notice of the present petition, on instructions from ASI Rohtash has not refuted the fact that no contraband has been recovered from the possession of the petitioner and that the only allegations against the petitioner is that he was driving motorcycle while co-accused Nisha was sitting on the pillion seat and 82 grams and 40 milligrams of heroine was recovered from her possession by the Police on 11.05.2022 and since then the petitioner is in custody. The State counsel has also not disputed the fact that after completion of investigation, the Police has presented the challan but charges are yet to be framed.

In view of the above, as the present case involves recovery of 82 grams and 40 milligrams of heroine which comes under non-commercial quantity, rigors of Sections 37 of the NDPS Act are not applicable to the case of the petitioner, even otherwise nothing has been recovered from his possession and it will take considerable time for the trial to conclude after the framing of the charges.

Keeping in view facts and circumstances mentioned above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite 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 CJM/Duty Magistrate concerned.

06.08.2022  
Amandeep

( KARAMJIT SINGH)  
JUDGE

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No