

**In the High Court of Punjab and Haryana at Chandigarh**

**CRM-M No. 29775 of 2022**

**Date of Decision: 14.7.2022**

Jassa Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. D.S.Virk, Advocate  
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

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**SURESHWAR THAKUR, J. (ORAL)**

1. Through the instant petition, cast under Section 438 Cr.P.C., the petitioner craves indulgence of his becoming admitted to anticipatory bail, in respect of FIR bearing No. 274 of 26.6.2022, registered at Police Station Cheeka, District Kaithal, constituting therein offences, under Sections 18(c), 29 of the NDPS Act, 1985.

2. At the crime site, from the alleged conscious, and, exclusive possession of the principal accused, one Sandeep, 1 kg. of opium became recovered, by the investigating officer concerned. However, during the course of the custodial interrogation of the above principal accused, he revealed to the investigating officer concerned, that he had made purchase of the above seizure from the present petitioner, and, or that the present petitioner was the supplier of the seized contraband.

3. Therefore, the present petitioner becomes a conspirator along with the principal accused, and, also concomitantly becomes amenable for

his being tried for the petition FIR offences. However, since it is submitted by the learned State counsel, on instructions given to him by ASI Pardeep Kumar, that the weight of the seized opium, at the crime site, is about 1 kg., and, when the above weight of the seizure makes it fall within the ambit of non commercial quantity thereof, thereupon, the rigours of Section 37 of the NDPS Act, are not applicable thereon, and, obviously the petitioner becomes entitled to his becoming admitted to pre arrest bail.

4. In consequence, the instant petition is allowed. The bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer. Moreover, he shall also give an undertaking that he shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.

5. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

**(SURESHWAR THAKUR)**  
**JUDGE**

**July 14, 2022**  
**Gurpreet**

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