

219

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

CRM-M-30055-2022

Date of decision:20.07.2022

KAPIL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Monisha Lamba, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., where through the present bail petitioner seeks indulgence of regular bail being accorded to him.
2. FIR No.81 of 18.04.2022, constitutes therein an offence under Section 21 of NDPS Act, and, is lodged at Police Station Sadar Bahadurgar, District Jhajjar, therein the commission of the incriminatory offence is attributed to the bail petitioner.
3. The learned counsel appearing for the State, on instructions, given to him by the investigating officer submits, that smack/chitta/heroin weighing 20 grams became recovered, at the crime site, from the alleged conscious, and, exclusive possession of the present bail petitioner. The weight of the above seizure makes it fall within the ambit of intermediate 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 regular bail

4. Consequently, it is not necessary to prolong the judicial incarceration of the bail petitioner-applicant. The instant petition is allowed, and, the bail petitioner-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail petitioner-applicant, is subject to his furnishing personal, and, surety bonds in the sum of **₹50,000/-** each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

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20.07.2022

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(SURESHWAR THAKUR)
JUDGE

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