

**221 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision: 28.01.2022

1. CRM-M-29903-2021

Aatish @ Ashish

Petitioner

Versus

State of Haryana

Respondent

2. CRM-M-36699-2021

Rajmati Choudhary @ Reetu Choudhary

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashish Kumar, Advocate for the petitioner
in CRM-M-29903-2021.

Mr. Sanchit Punia, Advocate for the petitioner
in CRM-M-36699-2021.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.

2. These two petitions under Section 439 Cr.P.C. are filed seeking regular bail in FIR No. 112, dated 05.03.2021, under Section 18-27A/61 of NDPS Act, 1985, registered at Police Station Narnaund, Hisar.

3. In a raid conducted on 05.03.2021, 1.300 kgs and 2.700 kgs of opium was recovered from Aatish @ Ashish and Manjit respectively. During investigation Aatish stated that the recovered contraband was purchased from Rajmati Chaudhary @ Reetu Choudhary. On arrest, Rajmati Choudhary made a disclosure statement that she purchased the recovered contraband from Prem Nepali.

4. Learned counsel for the petitioner in CRM-M-29903-2021

submits that petitioner-Aatish is in custody since 05.03.2021. The recovery made from him is non-commercial quantity. He is not involved in any other case under NDPS Act.

5. Learned counsel for the petitioner in CRM-M-36699-2021 submits that petitioner-Rajmati Choudhary @ Reetu Choudhary is in custody since 29.03.2021 and no recovery of contraband was made from her and she was named in a disclosure statement. She is not involved in any other criminal case.

6. Learned State counsel opposes the prayer for grant of bail, he submits that total recovery made from Aatish and Manjit was 4 kg of opium. He is not in a position to deny the fact that Aatish and Rajmati are not involved in any other NPDS case. He further submits that challan stands presented.

7. Considering the nature of allegations, custody period, the fact that petitioners are not involved in any other case under NDPS Act, investigation is complete and no further recovery is to be made from the petitioners, conclusion of the trial is likely to take time, petitioners are granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petitions are allowed.

9. It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Photocopy of this order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

28th January, 2022
Parveen Sharma