

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-33409-2022 (O&M)  
Date of Decision:- 14.11.2022

Moti Lal ... Petitioner

Versus

State of Haryana ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Hardeep Singh, Advocate, for  
Bikram Chaudhary, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,  
assisted by SI Janak.

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**GURVINDER SINGH GILL, J.** (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 219, dated 20.4.2022, Police Station Mujessar, District Faridabad, under Sections 21-B, 61, 85 of NDPS Act.
2. The allegations, in nutshell, are that the petitioner was found in possession of 38 grams of 'Smack'.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case even if the allegations as levelled are taken to be correct, the quantity allegedly recovered from the petitioner would fall in the category of non-

commercial quantity and as such the fetters imposed by Section 37 of NDPS Act would not be attracted.

- 4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red-handed at the spot while in possession of contraband, no case for grant of bail is made out. It has also been informed that the petitioner otherwise has a clean record and is not involved in any other case.
- 5. This Court has considered the rival submissions.
- 6. Having regard to the fact that it is the case of recovery of non-commercial quantity of contraband and the petitioner otherwise enjoys a clean record and has been behind bars for a substantial period of about 7 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.11.2022  
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( GURVINDER SINGH GILL)  
JUDGE

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |