

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

210

CRM-M-34976-2022

Date of decision : 17.08.2022

Sagar

Petitioner

V/S

State of Haryana

Respondent

**CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Sanchit Punia, Advocate  
for the petitioner.

Mr. Vinay Phogat, D.A.G., Haryana  
for he respondent-State.

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**ASHOK KUMAR VERMA, J. (ORAL)**

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.519 dated 23.05.2022 registered under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station HTM Hisar, District Hisar.

Brief facts of the case are that on 23.05.2022 the police party headed by ASI Shakti Singh was on patrolling duty. When they were present near Police Line, Barwala Road, Hisar, they received secret information that Sagar (the petitioner) son of Baljeet Singh used to sell ganja and he is having ganja in a plastic bag and going from Mirzapur road towards his house. When the police party reached at the disclosed place, they saw the petitioner coming in a street having a plastic bag on his head and on seeing the police, he tried to escape but he was apprehended. On search 12 kilo 500 grams ganja was recovered from the plastic bag carried by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. No independent witness was joined at the time of alleged recovery. Mandatory provisions of Section 50 and 51 of the NDPS act were not complied with. The petitioner was in custody since 23.05.2022. Challan has been presented in the Court and charges were framed on 06.08.2022. Now the case is fixed for prosecution witnesses. The petitioner is not involved in any other case under the NDPS Act. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition on the grounds that the petitioner has committed a serious offence.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact that the petitioner is not involved in any other case under the NDPS Act but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner-Sagar is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

**17.08.2022**

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**(ASHOK KUMAR VERMA)**

**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No