

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

CRM-M-36008-2022

Date of Decision:-23.08.2022

Balbir.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Parminder Singh, Advocate for the Petitioner.

Ms. Dimple Jain, AAG Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.462 dated 01.06.2022 under Section 21 of the NDPS Act, 1985 registered at Police Station Indri, Karnal.

The brief facts of the case are that a secret informer gave secret information to the investigating agency that Balbir son of Parkash was doing the business of selling Smack and was proceeding from his house towards Vishwkarma Chowk, Indri. In case a raid was conducted he could be apprehended. After completing the requisite formalities the petitioner came to be arrested and recovery of 11.74 grams of Smack was effected from him.

The Counsel for the petitioner contends that there is a violation of Sections 42 & 50 of the NDPS Act. No independent witness has been joined by the police officials. Even otherwise the recovery is of non

commercial quantity and the petitioner has no criminal antecedents. Since he is in custody since 01.06.2022 and 10 witnesses are to be examined, the further incarceration of the petitioner is not required.

The Counsel for the State on the other hand contends that the petitioner does not deserve the concession of bail as offences under the NDPS Act are on the rise.

I have heard learned Counsel for both the parties at length.

Admittedly, the recovery from the petitioner is of a non commercial quantity of Smack. He is in custody since 01.06.2022 and has no prior antecedents. As many as 10 prosecution witnesses are to be examined. None of them have been examined so far. Therefore, the further incarceration of the petitioner is not required.

In view of the above, without commenting on the merits of the case, the petition is allowed and the petitioner-**Balbir** son of Sh. Parkash is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petitions stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 23, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>