

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

CRM-M-36185-2022

Date of decision : 23.08.2022

Mohit

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

PANKAJ JAIN, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.299 dated 25.05.2022 for the offences punishable under Sections 20/29 of NDPS Act at Police Station Tehsil Camp, Panipat, District Panipat.

2. As per the allegations levelled in the FIR, 2 kg 900 gms of Ganja Patti was recovered from the possession of the petitioner. Challan already stands presented.

3. Counsel for the petitioner would contend that since recovery effected is much less than the commercial quantity i.e. 20 kg., bar under Section 37 of the NDPS Act would not be attracted in the present case.

4. Mr. Jain representing the State while opposing the bail, submits that the petitioner is involved in two more criminal cases under NDPS Act and is habitual offender, though he does not dispute the fact that the quantity recovered is less than commercial quantity and he admits that the challan already stands presented.

5. Admittedly, the petitioner has not suffered any conviction as yet and in the other two cases also he is undertrial.
6. Mr. Jain is not in a position to dispute the fact that the petitioner has not faced conviction as stated by Mr. Parminder Singh, counsel representing the petitioner. Challan already stands presented. Recovery from the petitioner is much less the commercial quantity.
7. Keeping in view the totality of the facts and circumstances and the fact that the bar under Section 37 of the NDPS Act is not attracted, the present petition is allowed.
8. Without commenting on the merits of the case, the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
9. Needless to say anything recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

23.08.2022

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No