

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

218

CRM-M-36722-2022
Date of decision : 25.08.2022

Ramashish Kumar Yadav

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Saurabh Bhardwaj, Advocate
for the petitioner.

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

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 read with Section 167(2) of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.281 dated 29.06.2021 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sadar Thanesar, District Kurukshetra.

Brief facts of the case are that on 29.06.2021 ASI Rajesh Kumar received a secret information that Ramashish Kumar Yadav (the petitioner), who was a truck driver and Nitish Kumar Yadav, who was a conductor, after buying opium from Bihar-Jharkhand coming to Haryana in truck bearing registration No.JH-02AP-0794. On the basis of the same, an information was sent to the police station for registration of FIR and thereafter, a truck was stopped and the accused were apprehended. On search of the truck, 2 kg. 600 grams opium was recovered under the driver's seat.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner has no concern with the alleged recovery. The mandatory provisions of the NDPS act were not complied with during search/investigation of the

present case. The petitioner was in custody since 29.06.2021. Challan has been presented in the Court. The petitioner is not involved in any other case under the NDPS Act. Co-accused Nitish Kumar Yadav has already been granted concession of regular bail vide order dated 28.01.2022 passed by the Co-ordinate Bench of this Court. 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.

Learned State counsel has submitted that the challan has been presented in the trial Court and charge-sheet has been filed. However, he conceded that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody for the last 13 months, he is not involved in any other case and also the fact that co-accused Nitish Kumar Yadav has already been granted concession of regular bail vide order dated 28.01.2022 passed by the Co-ordinate Bench of this Court, the instant petition is allowed. The petitioner-Ramashish Kumar Yadav is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

25.08.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No