

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

211

CRM-M-37094-2022
Date of decision : 26.08.2022

Gaurav Kumar

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Sunny Tyagi, 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 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.321 dated 18.06.2022 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Industrial Sector 29, District Panipat.

Brief facts of the case are that on 18.06.2022 SI Satpal received a secret information that Gaurav (the petitioner), who is indulged in selling Doda Churapost, is now standing at G.T. Road in frond of Bus Stand, Siwah carrying a bag of black colour having Doda Churapost in heavy quantity. On the basis of the same, an information was sent to the police station for registration of FIR and thereafter, SI Stapal along with other police officials reached the spot and apprehended the accused. On search, 13 kgs. Doda Churapost were recovered from bag carried by the accused.

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. No independent witness was joined at the time of 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 18.06.2022. Challan has been presented in the Court. 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.

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 period of judicial custody of the petitioner, he is not involved in any other case and also the fact that that the trial is likely to take long time, the instant petition is allowed.

The petitioner-Gaurav Kumar 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.

26.08.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No