

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

CRM-M-37854-2022 (O&M)

Date of Decision: 21.12.2022

PAWAN @ MISTRI

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG Haryana.

DEEPAK MANCHANDA J.

The petitioner is seeking regular bail in the case bearing FIR No. 408 dated 19.05.2022, under Section 20 of NDPS Act, registered at Police Station Samalkha, Panipat.

As per the allegations leveled in the FIR, 410 grams of Charas(Sulfa) is recovered from the possession of the petitioner.

Learned counsel for the petitioner contends that the alleged contraband recovered from the petitioner is a small quantity and non-commercial in nature. He submits that the investigation of the case is complete and challan stands presented on 14.07.2022 and the petitioner is in custody since 19.05.2022. He further submits that the trial of the case is yet to commence, therefore, he prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by Inspector Basant Singh has opposed the aforesaid prayer and filed his custody certificate. However, he has not disputed that the investigation of the case is complete and the challan stands filed.

Considering the aforesaid background, the quantity of contraband recovered and the fact that challan has already been filed and the trial is yet to commence, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

21.12.2022
S.Gulati/Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No