

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38278-2022 (O&M)
Date of Decision:- 18.11.2022

Rajesh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagdish Manchanda, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Mahinder.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 253, dated 6.5.2022, Police Station Mujessar, District Faridabad, under Sections 20(b)(II) B of NDPS Act, wherein allegations are broadly to the effect that the petitioner was found in possession of 2 kgs and 10 kgs of 'Ganja'.
2. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the recovery was not effected in the presence of any independent witness and as such no sanctity can be attached to the same.

3. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner was caught red-handed while possessing contraband and as such he does not deserve the concession of bail. It has also been informed that the petitioner stands involved in 8 other cases including two cases registered for offences under NDPS Act. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 6 months and that the trial has not even commenced till date.
4. This Court has considered the rival submissions.
5. It is not in dispute that the recovered contraband i.e. 2 kgs and 10 kgs of 'Ganja' would fall in the category of non-commercial quantity. Petitioner has been behind bars for a substantial period of 6 months. Conclusion of trial is likely to take time inasmuch as even the charges are not stated to have been framed so far. In these circumstances further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.11.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No