

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

CRM-M-38734-2022
Date of Decision:-**11.10.2022**

ANIL @ MILI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Sumit Saddi, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.132 dated 21.4.2022 registered under Sections 18/27-A of NDPS Act at Police Station City Narwana District Jind.

(The counsel for the petitioner submits that the petitioner was nominated as an accused on the basis of disclosure made by co-accused Phool Kumar from whom the police recovered 500 grams of Opium on 21.4.2022. That thereafter the petitioner was arrested on 21.4.2022 and is presently lodged in judicial custody and police has presented the challan on completion of investigation and that it will take considerable time for the

trial to conclude. The counsel further submits that no contraband was recovered in the present case from the possession of the petitioner, as such no purpose is going to be served by keeping the petitioner in custody for any longer period.

The instant petition is resisted by the State counsel, who on instructions from ASI Ram Niwas has not disputed the fact that the petitioner who was not named in the FIR was nominated as an accused on the basis of the disclosure made by co-accused Phool Kumar from whom 500 grams of Opium was recovered. The State counsel has admitted the fact that after completion of investigation challan has been presented and as per the custody certificate, petitioner has been lodged behind bars for last 3 months and 21 days. The State counsel further submits that the petitioner is also involved in one another case registered under NDPS Act and thus the State counsel has opposed the present petition. However, the State counsel has not disputed the fact that no incriminating article or contraband was recovered from the petitioner in the instant case.

I have considered the submissions made by counsel for the parties.

Admittedly, the petitioner was not named in the FIR and was arraigned as an accused on the basis of disclosure made by co-accused from whom police recovered 500 grams of Opium on 21.4.2022. The veracity and relevance of the alleged disclosure made by the co-accused would be tested during the trial. Petitioner was arrested on 21.4.2022 and no incriminating article was recovered from his possession and after completion of investigation police presented challan and charges are yet to be framed. The

aforesaid 500 grams of Opium comes under non-commercial quantity and as such rigors of Section 37 of NDPS Act would not attract in the present case.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

11.10.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No