

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

CRM-M-39391-2022
Date of Decision:-**06.09.2022**

SUKHCHAIN SINGH @ HAPPY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. L.S. Sekhon, Advocate
for the petitioner.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.314 dated 20.6.2022 registered under Section 18-B of NDPS Act at Police Station Sadar Fatehabad District Fatehabad.

Counsel for the petitioner submits that as per allegations recorded in the FIR, 154 grams opium was recovered from petitioner on 20.6.2022 and the said contraband comes under non-commercial quantity. Counsel for the petitioner further submits that the police presented challan after completion of investigation. It is further submitted that one another case has been falsely registered against the petitioner, in which, he has been granted bail vide dated 2.8.2022 (Annexure P-2) passed by the Court of

Special Judge Fatehabad. The counsel for the petitioner made prayer that petitioner be released on bail in the present case as well.

Notice of motion.

On the asking of the Court, Ms. Harpreet Kaur, AAG, accepts notice on behalf of State of Haryana and custody certificate filed by her is ordered to be taken on record. State counsel on instructions from ASI Mahavir Singh has not refuted the fact that the present case is related to recovery 154 grams of opium, which comes under non-commercial quantity as per the provisions of NDPS Act.

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

As per the allegations in the FIR, 154 grams of opium was recovered from the possession of the petitioner on 20.6.2022, which comes under the non-commercial quantity and thus rigors of Section 37 of NDPS Act do not attract in the present case. The petitioner is in judicial custody since last more than 2 months and after completion of investigation, challan has been presented in the present case, but it will take considerable time for the trial to terminate. As has been submitted by the counsel for the petitioner, the petitioner has been granted bail in an another case registered under the provisions of NDPS Act.

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.

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.

06.09.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No