

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

CRM-M-44540-2021 (O&M)
Date of Decision:- 6.1.2022

Manoj Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sarvjit Singh Khurana, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

(Proceedings conducted through video conferencing)

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.375, dated 24.8.2021, Police Station City, Bahadurgarh, District Jhajjar, under Section 18 of NDPS Act, wherein the allegations are broadly to the effect that the petitioner was found in possession of 129 grams of 'Opium'.
2. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case the allegedly recovered contraband falls in the category of 'non-commercial

quantity’ and as such the petitioner who has clean antecedents deserves the concession of bail.

3. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red-handed while in possession of the contraband, no case for grant of bail is made out. Learned State counsel has however, not disputed the fact that the petitioner is not involved in any other case. It has also been informed that in the instant case challan stands presented and charges have been framed and that no PW has been examined so far.
4. I have considered rival submissions addressed before this Court.
5. It is not in dispute that the recovered contraband falls in the category of ‘non-commercial quantity’. The petitioner is stated to be having clean antecedents not having been involved in any other case. Conclusion of trial will take time as none of the cited PWs has been examined so far. In these circumstances the petition merits acceptance. 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.

06.1.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No