

CRM-M-40056-2022

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

CRM-M-40056-2022

Date of decision:08.09.2022

Ugma Lal Rawat @ Ugma Lal Ahir

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Manjot Kaur, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.246 dated 20.05.2022, registered at Police Station Sadar Fatehabad, District Fatehabad, under Section 18 NDPS Act, 1985.

As per the case of prosecution, recovery of opium weighing 1.540 kg. was effected from the car bearing registration No.RJ-06CB/3870, which had been occupied by the petitioner and co-accused, namely, Bheru Lal Ahir.

Learned counsel for the petitioner contends that the extent of contraband recovered in the present case, falls under the non-commercial quantity; that the aforesaid car was being driven by its owner i.e. co-accused at the time of the alleged recovery; that the petitioner has been in custody since 20.05.2022 and that there is no other case registered or pending against the petitioner, at least of a similar nature. She further

contends that challan has already been presented and that the prosecution

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witnesses are yet to be examined. On this premise, she prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner has indulged in selling/supplying of contraband. However, he does not dispute the fact that the recovery of contraband effected in the present case, falls under the non-commercial quantity.

I have heard the learned counsel for the parties.

Indisputably, the extent of contraband recovered in the present case, falls under the non-commercial quantity. Challan has already been presented. The petitioner has been in custody since 20.05.2022. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. There is no other case registered or pending against the petitioner, at least of a similar nature. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

Since the petitioner is a resident of District Ajmer (Rajasthan), the trial Court would be at liberty to impose strict conditions, which it may deem fit.

08.09.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No