

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

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CRM-M-42133-2022

Date of Decision: 19.09.2022

Sahil ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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.511 dated 29.06.2022 at Police Station City Sirsa, District Sirsa, under Section 17 of the NDPS Act, wherein the allegations in nutshell are to the effect that on 29.06.2022, the police received a secret information to the effect that Sahil (petitioner) indulged in sale of opium. Pursuant to receipt of said information, the petitioner who was riding a motor-cycle was apprehended by the police. A polythene bag was found hanging on the handle of the motor-cycle, which was found to contain 1 Kg. & 10 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 recovered contraband would fall in the category of 'non commercial quantity' and

as such, the fetters imposed by Section 37 of the NDPS Act would not be attracted.

3. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR as regards the secret information and was also caught red-handed at the spot while carrying 1 Kg. & 10 grams of opium, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 months and that he is not involved in any other case and that challan already stands presented.
4. This Court has considered rival submissions.
5. It is a case of recovery of 'non commercial quantity' of opium. The challan already stands presented, but the trial has not commenced till date. Conclusion of trial will take time inasmuch as 14 PWs have been cited. The petitioner otherwise enjoys a clean record. 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 regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.09.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**