

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-43600-2022

Date of Decision: 16.11.2022

Hanuman Ram

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikas Bishnoi, Advocate for the petitioner

Mr. Chetan Sharma, AAG Haryana

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed the present petition under Section 439 CrPC seeking regular bail in case FIR No.167 dated 20.05.2022 under Sections 15 & 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27-A of NDPS Act added later on), registered at Police Station City Ratia, District Fatehabad.

(2) Counsel for the petitioner contends that the petitioner was roped in the present FIR on the basis of a disclosure statement made by the main accused Aadish Kumar @ Jhonny from whom the recovery of 1 kg 500 gm of opium and 500 gm of poppy husk was effected. He has further argued that no recovery whatsoever has been effected from the petitioner.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Chetan Sharma, AAG Haryana accepts notice. He has produced custody certificate dated 15.11.2022 which is taken on record. It is evident that the petitioner is behind bars from last 3 months 6 days and there is no involvement of the petitioner in any other case whatsoever. Learned State counsel also do not controvert the fact of

recovery, as argued by counsel for the petitioner, that the contraband is of non-commercial nature and recovery has not been effected from the possession of the petitioner.

(5) Keeping in view the totality of the facts and circumstances and since the conclusion of the trial is likely to take sufficient time and no fruitful purpose would be served by keeping the petitioner behind the bars and the fact that the recovery is of non-commercial nature, the prayer made in this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, concerned.

(6) Disposed off.

16.11.2022
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No