

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

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CRM-M-47940-2022
Date of decision : 21.10.2022

Kiran Singh

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Chirag Suri, Advocate
for the petitioner.

Mr. Himmat Singh, D.A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.67 dated 14.04.2022 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') and under Section 180 of the Indian Penal Code, 1860 at Police Station Udyog Vihar, District Gurugram.

Brief facts of the case are that on 14.04.2022 when ASI Makhan Singh along with other police officials was on patrolling duty, they have received information that one Kinner named Kiran (the petitioner), who is standing at village Dundahera T-Point near Shankar Chowk, Gurugram is selling intoxicants. On receiving the said information, the police apprehended the accused (the petitioner) and on search 25 grams MDMA was recovered from him.

Learned counsel for the petitioner has submitted that the

petitioner has been falsely implicated in the present case. As per the FSL report dated 07.07.2022 the alleged contraband recovered from the petitioner is '*methamphetamine*'. Recovery of contraband effected from the petitioner is an intermediate quantity, therefore, rigors of provisions of Section 37 of the NDPS Act may not be justified. The petitioner was in custody since 14.04.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition on the ground that the petitioner was arrested for having kept in his possession 25 grams MDMA without any licence or permit. However, learned State counsel conceded the fact that the contraband recovered from the petitioner is an intermediate quantity.

Custody certificate dated 20.10.2022 has been filed by learned State counsel which is taken on record. As per the custody certificate the petitioner is in custody for more than 06 months and he is not involved in any other case.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the paper-book.

Keeping in view the facts and circumstances of the case, period of custody, the fact that the contraband recovered from the petitioner is an intermediate quantity and also the fact that the trial is likely to take long time but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Kiran Singh is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the

satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

21.10.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No