

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

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CRM-M-48564-2022
Date of decision : 27.10.2022

Gurbaksh Singh

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Amit Choudhary, 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.205 dated 28.07.2022 registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sadar Ratia, District Fatehabad.

Brief facts of the case are that on 28.07.2022 a police party headed by ASI Jatinder was doing patrolling duty and on suspicion they apprehended the petitioner. On search 1 kg. 500 grams of poppy-straw was recovered from the plastic bag carried by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Even otherwise, the contraband recovered from the petitioner falls under the category of non-commercial quantity and rigorous of Section 37 of the NDPS Act will not be attracted. The petitioner was in custody since 28.07.2022. 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 1 kg. 500 grams of poppy straw without any licence or permit. However, learned State counsel conceded the fact that the contraband recovered from the petitioner is falls under the category of non-commercial quantity.

Custody certificate dated 26.10.2022 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 02 months.

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 falls under the category of non-commercial 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-Gurbaksh 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.

27.10.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No