

RAVI YADAV

... *Petitioner**Versus*

STATE OF HARYANA

... *Respondent****CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH*****Present:** Mr. Dheeraj Kumar Narula, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.166 dated 13.05.2021 registered under Section 15 (c) of NDPS Act, No.61 of 1985, Police Station Dabwali, District Sirsa (Hry.).

Learned counsel for the petitioner has contended that the petitioner was falsely implicated in this case and that even otherwise as per prosecution version, 3 gunny bags of poppy husk (each weighing 20 Kg.) were allegedly recovered from a car in which the petitioner was travelling and was driven by Apoorv Sharma and one Venu Sharma was also found sitting in the said car. It is further contended that the weight of the bags was not excluded by the police while calculating the exact weight of the alleged contraband which was recovered from the aforesaid car. He further contended that the present case can be considered as recovery of contraband marginally above the commercial quantity.

Learned counsel for the petitioner further contended that the petitioner is already in custody for the last more than 8 months and is having no criminal history and as such is entitled to regular bail on the basis of

parity as his co-accused, namely, Apoorv Sharma and Venu Sharma are already granted regular bail by this Court. Copies of the concerned orders are placed on record.

In support of his arguments, the counsel for petitioner also referred to order of this Court in ***CRM-M-48748 of 2019, Jagroop Singh Vs. State of Punjab***, decided on 28.01.2020 wherein also regular bail was granted in case relating to recovery of 60 kg of poppy husk and the accused had undergone 5 months of custody.

The present petition is contested by the State counsel who submitted that the case is involving recovery of 60 kg of poppy husk which comes under commercial quantity of contraband. The State counsel has prayed for dismissal of the present petition.

I have considered the submissions made by the counsel for the parties.

As per the custody certificate, the petitioner has already undergone 8 months and 2 days of custody and he is not facing any other criminal case. As per the case of prosecution, 3 bags of poppy husk each weighing 20 kg were recovered from the car in which the petitioner was travelling. The aforesaid total weight also includes the weight of the bags. So, in this case, the alleged recovery is marginally above than the prescribed limit for commercial quantity. It is also moot point as to whether the alleged recovery was effected from the conscious possession of the petitioner. Admittedly, on completion of investigation, challan has been presented and charges are framed against the petitioner and other accused but till date no witness has been examined. The trial may take considerable long time for its conclusion due to present Covid-19 situation. Undisputedly, co-accused

Apoorv Sharma and Venu Sharma have already granted regular bail by this Court.

In view of the above, without expressing any opinion of the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

20.01.2022
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(KARAMJIT SINGH)
JUDGE

Whether speaking /reasoned	Yes
Whether Reportable	No