

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-51140-2022

Date of Decision: 10.11.2022

Suresh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. K.L.Saini, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.216 dated 6.8.2022 registered for the offences punishable under Sections 20(b) of NDPS Act at Police Station Garhi, District Jind.

Counsel for the petitioner submits that the present case is relating to recovery of 7 kg. of *ganja* and thus, is covered under non-commercial quantity of contraband. He further submits that in other two cases which are registered against the petitioner under NDPS Act, he is already on bail.

Present petition is resisted by the State counsel. However, he on instructions from ASI Ramesh has not disputed the fact that the present case is relating to recovery of non-commercial quantity of *ganja* and that the petitioner is in custody for the last more than 3 months and after completion of investigation, the police has presented the challan. He has contested the

present petition mainly on the ground that the petitioner is having criminal history.

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

Present case is relating to recovery of 7 kg. of ganja which comes under non-commercial quantity of contraband and as such, rigors of Section 37 of NDPS Act are not attracted to the case in hand. Further as submitted by the counsel for the petitioner, in other two cases, the petitioner has been given benefit of bail. The petitioner is behind the bars for the last 3 months and admittedly, challan has been presented by the police on the completion of investigation. It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

November 10, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No