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

**CRM-M-1141-2023
Decided on:-16.01.2023**

Vikas @ Vicky

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ritesh Tomar, Advocate,
for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana,
for the respondent-State.

HARKESH MANUJA J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial in case FIR No.526 dated 01.09.2022, under Section 21 (b) of NDPS Act, 1985, registered at Police Station Mujessar, Faridabad.

Learned counsel for the petitioner submits that in the present case recovery of alleged contraband was 15.65 gm of *heroin/smack*, which is non-commercial and, as such, rigour of Section 37 NDPS Act, does not apply. He further submits that the petitioner is behind the bars since 01.09.2022 i.e. more than 5½ months, the investigation already stands concluded, challan filed and the trial is likely to take some time, thus, no useful purpose is going to be served by keeping him in custody.

On the other hand, learned State counsel submits that the next date before the trial court is 17.01.2023 for framing of charges and opposes the prayer made in the present petition.

I have heard learned counsel for the parties and gone through the paper book.

Considering the fact that the investigation already stands concluded, challan filed and trial is likely to take long time, besides the alleged recovery being non-commercial, no useful purpose is going to be served by extending the incarceration of the petitioner any further, who is in custody since 01.09.2022.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner, namely, Vikas @ Vicky is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

16.01.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No