

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

220-C

CRM-M-1990-2023

Date of decision : 14.02.2023

Aakash Singh @ Akash Singh

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Ms. Deipa Singh, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. 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.281 dated 22.09.2021 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (to which Section 29 of the NDPS Act was added later on) at Police Station Kheripul, Faridabad.

Brief facts of the case are that on 22.09.2021 when the police party headed by SI Surender Singh was presented on the bridge of Sector-17, Faridabad for doing patrolling duty, they received a secret information that accused-Manish Kumar and Sunil @ Anna, who used to supply Ganja in Delhi and in the are of Police Station Palla, Faridabad, are coming in car bearing registration No.DLIZA-9500 after bringing Ganja from Andhra Pradesh. On the said information, the police conducted nakabandi and apprehended Manish Kumar and Sunil Kumar. On conducting search in accordance with law, 58 kg 326 grams

Ganja were recovered from them. During interrogation, the petitioner was named by accused-Manish.

Learned counsel for the petitioner has submitted that the petitioner was not apprehended on the spot, nothing has been recovered from him and he has been arrested after 03 months of the FIR. The petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused Manish which is a very weak type of evidence. The petitioner is in custody since 20.01.2022. The challan has been presented and charges have been framed. Out of total 19 prosecution witnesses only 01 has been examined so far. 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 along with his co-accused used to bring Ganja from Andhra Pradesh. The alleged quantity of Ganja recovered from the co-accused falls in the category of commercial quantity. The petitioner is also involved in another case under the NDPS Act, however, he is on bail in that case.

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

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that the petitioner is not apprehended on the spot and nothing has been recovered from him and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that

the petitioner deserves the concession of regular bail.

The petitioner-Aakash Singh @ Akash 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, State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

14.02.2023

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(ASHOK KUMAR VERMA)
JUDGE

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