

RAJESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Garima Sharma, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Rajesh-petitioner is seeking regular bail in the case bearing FIR No.792 dated 15.12.2022 under Sections 21 & 27-A (27/27-A) was deleted and Section 29 of NDPS Act was added, registered at Police Station P.S. Gharaunda, Karnal.

Learned counsel for the petitioner contends that the recovery of 30.15 gms of heroin has been effected from the co-accused, Vikash. The petitioner has been sought to be nominated on the basis of the disclosure statement of the co-accused. Only a sum of Rs.2,000/- has been recovered from the petitioner and he is in custody for a period of 01 month and 25 days and is not involved in any other case under NDPS.

Learned State counsel has not disputed the fact that the petitioner has been nominated on the basis of the disclosure statement of the co-accused and no contraband has been recovered from his possession. Only a sum of Rs.2,000/- has been allegedly recovered from the petitioner.

statement of the co-accused and no contraband has been recovered from him. Although, the petitioner is involved in another case bearing FIR No.86/2016, under Sections 186/332/353 IPC, at Police Station Mahesh Nagar, Ambala but he is not involved in any other case under NDPS Act. The petitioner is in custody for a period of 01 month and 25 days. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The investigation of the case is complete, challan has been presented and the conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

14.02.2023

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(VIVEK PURI)
JUDGE

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