

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

**CRM-M No.5367 of 2023
Date of Decision: 07.02.2023**

Deepak Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

GURBIR SINGH, J (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.311, dated 17.09.2022, under Section 17 of Narcotic Drugs & Psychotropic Substance Act, 1985, registered at Police Station Badli, District Jhajjar.

The case of the prosecution was that on the basis of secret information, one Scorpio car bearing registration No.HR-61A-2700, in which the petitioner along with co-accused were coming, was stopped. The search was conducted in the presence of the Executive Magistrate, 846 grams of *opium* was recovered from the dash board of the said vehicle.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.09.2022. The recovery is not of commercial quantity and he is not involved in any other case. Challan is already presented. There is violation of provision of Section 42 of NDPS Act in this case.

Mr. Karan Sharma, DAG, Haryana, has joined the proceedings in pursuance of the copy of the petition having been sent to

the respondent-State in advance. He has opposed the prayer made by learned counsel for the petitioner, submitting that there are also other cases registered against the petitioner. However, he does not deny the fact that the petitioner is in custody since 17.09.2022.

Heard.

Keeping in view the fact that the petitioner is in custody since 17.09.2022, the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

07.02.2023

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**(GURBIR SINGH)
JUDGE**

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