

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
232 CRM-M-6601-2023

Date of Decision: 17.04.2023

Satish

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Sanyam Khetarpal, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 16.04.2023 as well as reply dated 05.04.2023, filed by learned counsel for the State are taken on record.

The petitioner has filed the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 159 dated 05.06.2022 registered under Section 22C of the NDPS Act at Police Station BPTP, District Faridabad.

According to the prosecution, the petitioner was apprehended with conscious possession of 11 vials of Buprenorphine Injection IP Leegesic 2 ML each and the total quantity comes to 22 ML which falls under the category of “commercial quantity”.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. The contraband recovered from the petitioner is marginally above the 'non-commercial quantity'. He is not involved in any other case under the NDPS Act. Learned counsel further contends that challan in the present case was submitted on 16.08.2022 and charges were framed by the trial Court on 24.01.2023. He also contends that out of total 16 prosecution witnesses,

none has been examined so. Petitioner had surrendered before the trial Court on 24.01.2023 and he is in custody since then. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other land, learned State Counsel has opposed the submission made by learned counsel for the petitioner.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that petitioner is not involved in any other case under the NDPS Act, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Satish, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

However, the 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.

17.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No