

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8015-2023
Date of Decision:-12.04.2023

RINKU ... Petitioner
Versus
STATE OF HARYANA ... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Kartar Singh, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.168 dated 27.6.2022 registered under Sections 21(b), 29 of NDPS Act at Police Station Sadar Ratia, District Fatehabad.

The allegations in nut-shell are that police recovered 51.55 grams of heroin from the present petitioner on 27.6.2022 while he was travelling on motorcycle driven by Sebi @ Sewak.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and even otherwise the alleged recovery of 51.55 grams of heroin comes under non-commercial quantity and the petitioner is in custody for the last more than 9 months and that the trial is still to commence. The counsel for the petitioner further submits that co-accused Sebi @ Sewak is given benefit of regular bail by

this Court vide order 13.1.2023 (Annexure P-8). So prayer is made that the petitioner be also released on regular bail.

The instant petition is resisted by the State counsel, who submits that the police apprehended the petitioner with 51.55 grams of heroin on 27.6.2022 and the petitioner is having criminal history under the NDPS Act. However, the State counsel has not disputed that the petitioner is in custody for the last 9 months and after completion of investigation challan stands presented but charges are yet to be framed.

No doubt the petitioner is involved in some cases registered under the NPDS Act but the counsel for the petitioner has apprised the Court that the petitioner has been enlarged on bail in all the other pending cases. The recovery of 51.55 grams of heroin comes under non-commercial quantity and thus rigors of Section 37 of NDPS Act are not attracted to the present case. Further, the trial is yet to commence as has been stated by the counsel appearing on behalf of the State, so it will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

12.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No