

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
**234**

CRM-M-7967-2023

Date of Decision: 17.04.2023

Suresh @ Kalu

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

**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.82 dated 23.04.2022 registered under Sections 21(b) and 61 of the NDPS Act at Police Station Bhattu Kalan, District Fatehabad.

According to the prosecution story, on 23.04.2022, the police party headed by SI Mahender Singh, on suspicion apprehended the petitioner near Baba Ramdev Dham village Thuiyan. On checking, 100 gms 70 miligram of heroin wrapped in a transparent polythene was recovered from the right pocket of the lower of the petitioner. During interrogation, the petitioner had suffered a disclosure statement that he had purchased the alleged contraband from co-accused-Sanjay Gujjar.

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 falls under the category of ‘non-commercial quantity’. He is not involved in any other case under the NDPS Act. He is in custody since 23.04.2022. 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 hand, 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-Suresh @ Kalu, 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.

**17.04.2023**  
*rishu*

**(ASHOK KUMAR VERMA)**  
**JUDGE**

**Whether speaking/reasoned**                      **Yes/No**

**Whether Reportable**                              **Yes/No**