

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.219

Case No. : CRM-M-9914-2023

Date of Decision : March 01, 2023

Bijender @ Birju

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

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

Mr. Karan Sharma, DAG, Haryana.

* * *

GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.311 dated 17.09.2022, under Section 17 of the NDPS Act, 1985, registered at Police Station Badli, District Jhajjar.

The case of the prosecution is 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 and 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.

Pursuant to the advance notice, Mr. Karan Sharma, DAG, Haryana, has joined the proceedings. He has opposed the prayer made by

learned counsel for the petitioner, submitting that there are other cases as well 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 and 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, Jhajjar.

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

March 01, 2023
monika

(GURBIR SINGH)
JUDGE

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