

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

CRM-M-13137-2023
Date of Decision:-**24.05.2023**

PAWAN @ KALU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.575 dated 24.10.2022 registered under Sections 21-B, 27-A of NDPS Act at Police Station City Fatehabad, District Fatehabad.
2. The allegations in nut-shell are that on 24.10.2022, police apprehended petitioner Pawan @ Kalu, who was driving a motorcycle while the co-accused was sitting on its pillion seat and on checking of motorcycle 20 grams of heroin was recovered from the front portion of motorcycle, where it was kept concealed.

2. The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is in custody for the last about 7 months and is having no criminal history and after completion of investigation, police has presented challan. The counsel further submits that the aforesaid contraband comes under non-commercial quantity and thus stringent provision of Section 37 of NDPS does not attract in the present case.
3. The instant petition is resisted by the State counsel, who submits that 20 grams of heroin was recovered from the motorcycle by the police on 24.10.2022 and at that time the petitioner was driving the motorcycle and the co-accused was sitting on pillion seat. However, The State counsel on instructions from ASI Surinder Pal has not disputed the fact that petitioner is in custody since 24.10.2022 and is having no criminal antecedents and that the trial is at its initial stage.
4. I have considered the submissions made by counsel for the parties.
5. The alleged recovery of 20 of grams of heroin comes under non-commercial quantity and thus provision of Section 37 of NDPS Act are not applicable to the present case. Further the petitioner is in custody since last 7 months and is not involved in any other criminal case and it will take considerable time for the trial to terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.
6. 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

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his furnishing bail and surety bonds to the satisfaction of the trial
Court/CJM/Duty Magistrate concerned.

24.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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