

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

CRM-M-26352-2023

Decided on:-29.05.2023

Vikram

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Himani Anand, Advocate for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

HARKESH MANUJA J.

1. By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail in case FIR No.951 dated 07.11.2022, under Sections 15, 18, 27 and 27-A of the NDPS Act, 1985, registered at Police Station Shahabad District Kurukshetra.

2. Learned counsel for the petitioner submits that the petitioner was implicated in the present case only on the basis of disclosure statements made by co-accused Harminder Singh and Kuldeep Singh, who were arrested at the spot and from whom 15 kg of *poppy straw* and 6 kg 500 gm of opium was recovered.

3. Learned counsel for the petitioner further submits that the petitioner is in custody for the last more than 5 months and the trial is likely to take some time. She also submits that there is no other case of NDPS registered against the petitioner and no recovery has been effected from him.

Moreover, co-accused of the petitioner has already been granted the

concession of regular bail by this Court vide order dated 04.05.2023 passed in CRM-M-64-2023.

4. On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that huge quantity of contraband was recovered from the co-accused of the petitioner.

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in submissions made on behalf of the petitioner.

6. Considering the fact that the petitioner has already suffered incarceration for the last more than 5 months; investigation in the present case already stands concluded with the filing of challan, trial is likely to take some time and no other case under NDPS is registered against the petitioner as well as the fact that no recovery has been effected from him, besides it, co-accused of the petitioner has already been granted the concession of regular bail by this Court vide order dated 04.05.2023 passed in CRM-M-64-2023, I do not find any justified reason to extend his incarceration any further.

7. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

29.05.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No