

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-28087-2023

Date of decision: 12.10.2023

Baljinder @ Veeru

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Hritik Gupta, Advocate, for
Mr. Amit Choudhary, Advocate, for the petitioner.
Mr. P.K. Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case FIR No.530, dated 28.10.2022, registered under Section 21 of the NDPS Act 1985, at Police Station City Bahadurgarh, District Jhajjar.

As per allegations, 165 grams of heroin was recovered from the possession of the petitioner and 25 grams of heroin recovered from the possession of co-accused Kaka on 28.10.2022.

Learned counsel for the petitioner contends that recovery of contraband falls within the category of non-commercial. The petitioner is in custody for the last more than 11 months; that not even a single witness has been examined so far and the trial may take long time to conclude.

Though learned counsel for the petitioner does not deny the criminal antecedents of the petitioner, however, he refers to a judgment of the Hon'ble Supreme Court in *Subhabrata Roy @ Bapi Roy @ Roy Bapi vs.*

The State of West Bengal (Special Leave Petition (Crl.) No.4637/2023, decided on 18.07.2023), wherein the Hon'ble Supreme Court has allowed the bail petition of the accused in the case of commercial quantity despite the fact that the accused was involved in other cases also.

Opposing the bail petition, learned State counsel submits that the petitioner is involved in 14 other cases out of which 9 cases pertain to the NDPS Act.

However, learned counsel for the petitioner submits that the petitioner is on bail in all those cases.

The recovery of contraband effected from the petition falls within the category of non-commercial category. Petitioner is in custody for more than 11 months and even not a single witness has been examined so far as conceded by the learned State counsel.

Having regard to the aforesaid facts and circumstances but without commenting anything on the merits of the case, the present petition is allowed. The petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

(DEEPAK GUPTA)
JUDGE

October 12, 2023
vcgarg

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