

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

210-A

CRM-M-31660-2022 (O&M)

Date of Decision: 13.03.2023

RAHUL KHAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Angad Parmar, Advocate for
Mr. Saifuddin Shams, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.138 dated 13.03.2022, registered at Police Station Dabua, District Faridabad, under Section 20 of the NDPS Act.

Learned counsel for the petitioner submits that the recovery effected from the petitioner, falls under the non-commercial quantity and that the petitioner has been in custody since 13.03.2022. He further submits that there is no other case registered and/or pending against the petitioner and that out of total 21 prosecution witnesses, none has been examined so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that the petitioner is involved in smuggling ganja ; that recovery of 10 kg 250 grams ganja was effected from the petitioner and that the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 13.03.2022. Recovery effected in the present case falls under non-commercial quantity. There is no other case registered and/or pending against the petitioner. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.03.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>