

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35078-2023

Date of Decision:26.07.2023

Munna Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Ms. Vasundhara Dalal Anand, Advocate
with Mr. T.P.S. Bawa, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail to him in case FIR No.109 dated 25.04.2023 registered under Sections 20(b)(ii)B of NDPS Act, at Police Station Industrial, Sector-7, Manesar, District Gurugram.

As per the case of the prosecution, a police party headed by ASI Sandeep Kumar was on patrolling duty and one young boy, who was hanging a bag on his shoulder, was seen standing on the road near Shankar Ki Dhani, Sector-7, Manesar. The police party got suspicious and asked the boy about the reason for standing there. However, on noticing the police party, he started walking briskly and the police officials caught him by chasing him, with the help of other police officials. On inquiry by the police, he told his name and address as Munna Kumar, son of Prem Mehto, resident of village-Bhelwa, South Police Station, Chhoradano, District Motihari, East Champaran, Bihar.

After following the due process of law, 7 kg *ganja* was recovered from Munna Kumar, accused. With these broad allegations, the FIR was registered in the present case.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 25.04.2023 and the challan has already been presented against him. Since only 7 kg of *ganja* has been recovered from the petitioner, which is a non-commercial quantity and the rigors of Section 37 of the NDPS Act will not be applicable to the facts of the present case. She further contends that the case is listed before the learned trial Court on 01.09.2023 for framing of charges and the trial is yet to formally commence against him. Thus, the further custody of the petitioner would serve no meaningful purpose.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner.

I have heard the learned counsel for the parties and perused the record.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

26.07.2023
hemlata

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