

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-35790-2023 (O&M)
Date of decision: 01.08.2023

Satpal @ Satya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. A.S. Khosa, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.247 dated 28.07.2020, registered under Sections 22 (C) and 27 of the NDPS Act, at Police Station Bhuna, District Fatehabad. The earlier petitioner was dismissed as withdrawn on 04.04.2022.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 29.07.2020; that alleged recovery of 7200 tablets (720 strips each strip containing 10 tablets) of Alprazolam Tablet IP 0.5 mg. and 1000 tablets (100 strips each strip containing 10 tablets) of Tramadol Hydrochloride Prolonged, was recovered from a bag tied with the motorcycle; that the petitioner was driving the motorcycle and co-accused Kuldeep, who is on bail, was the pillion-rider and that as far as another case under the NDPS Act against the petitioner is concerned, non-commercial quantity was effected in that case.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the recovery effected in the present case falls under the

commercial quantity and that Section 37 of the NDPS Act bars the grant of bail to the accused in case of commercial quantity. The tablets were recovered from the bag tied with the motorcycle, which was being driven by the petitioner and co-accused Kuldeep was the pillion rider. The petitioner is a habitual offender and he is involved in another case under the NDPS Act and stands convicted. Co-accused Kuldeep has been granted bail as there is no other pending or decided case against him. One of the co-accused has been declared a proclaimed offender. She submits that the charges have been framed and the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Though the recovery effected in the present case falls under the commercial quantity, but the fact remains that the petitioner has been in custody since 29.07.2020 and the another case under the NDPS Act is of non-commercial quantity. The recovery has already been effected. One co-accused is on bail. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

01.08.2023
Mangal Singh

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