

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-39307 of 2023
Date of decision: 17th August, 2023

Rakesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Himani, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in:

FIR No.	Dated	Police Station	Sections
861	10.11.2022	Indri, District Karnal	22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act') (Section 29 of the Act added later on).

2, The brief facts are that the police party acting upon a secret information on 10.11.2022 apprehended Pawan and recovered 2990 tablets containing Alprazolam salt weighing 373.75 grams. The co-accused during investigation named the petitioner as supplier of the recovered contraband.

3. Learned counsel for the petitioner submits that it is a case of false implication; the petitioner was named in a disclosure statement which has no evidentiary value; no recovery was made from the petitioner or at his instance. The contention is that the petitioner is not involved in any other case under the Act. It is further argued that the petitioner is in custody since 10.11.2022 and investigation is complete.

4. Learned counsel for the State opposes the prayer for grant of bail. However, he fairly submits that the investigation is complete; at the

instance of the petitioner Rs.2,000/- were recovered and the petitioner is not involved in any other case under the Act.

5. The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.
6. The name of the petitioner surfaced in a disclosure statement. There was no recovery of contraband either from the petitioner or at his instance. Though the investigation is complete conclusion of trial is likely to take time. The petitioner has clean antecedents.The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
7. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

17th August, 2023
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No