

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-44732-2022

Date of Decision: 09.02.2023

BHERU LAL AHIR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.S.Gill, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 246 dated 20.05.2022 under Section 18 of the NDPS Act registered at Police Station Sadar Fatehabad.

Status report by way of affidavit of Sh. Ajaib Singh, DSP, Fatehabad and custody certificate have been placed on record.

Briefly, as per the case of the prosecution, on 20.05.2022, 1.540 kg. of opium was recovered from the car in which the petitioner alongwith co-accused, namely, Ugma Lal Rawat @ Ugma Lal Ahir were travelling.

Learned counsel for the petitioner contends that the quantity of contraband recovered in the instant case falls in the category of less than commercial quantity. The co-accused- Ugma Lal Rawat @ Ugma Lal Ahir has been granted concession of bail in terms of the order dated 08.09.2022 passed in CRM-M-40056-2022. The petitioner, though involved in five other cases, but FIR in those cases were registered about 25 years prior to the recovery in the instant case and the petitioner is not involved in other case under the NDPS Act. The investigation of the case is complete and challan has been presented. The petitioner is in custody for a period of 08 months and 15 days.

Learned State counsel has opposed the bail application mainly on the score that the petitioner is having criminal antecedents.

It may be mentioned here that the FIR in other five cases were registered more than 25 years prior to the registration of the present case and all cases are stated to have been disposed of. No other criminal case is stated to be pending against the petitioner at present. The co-accused has been released on bail. The quantity of contraband recovered in the instant case falls in the category of less than commercial quantity and as such, stringent provisions of Section 37 of the NDPS Act do not come into play. The investigation of the case is complete and challan has been present. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

09.02.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No