

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-45574-2022 (O&M)

Date of decision : 9.5.2023

Ramniwas

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sandeep Saini, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.261 dated 12.9.2022 registered under Sections 21(b), 29 of NDPS Act at Police Station Rajound, District Kaithal.

2. The allegations in nutshell are that the petitioner was named as accused on the basis of the alleged disclosure statement made by co-accused Naresh from whom the police recovered 6 grams of Heroin on 12.9.2022.

3. On the last date of hearing, detailed order was passed and the petitioner was granted interim bail with direction to join the investigation.

4. Today, counsel for the petitioner submits that by virtue of the aforesaid order, the petitioner has joined the investigation with the police and got recovered amount of ₹ 3000/- which is a drug money.

5. Status report by way of affidavit of Sajjan Kumar, DSP, Kalayat filed on behalf of the State is ordered to be taken on record.

6. State counsel on instructions from concerned police official has not refuted the aforesaid assertions made by the counsel for the petitioner and further submits that the petitioner is not required by the police for further investigation or custodial interrogation.
7. The aforesaid recovery of 6 grams of Heroin comes under non-commercial quantity and thus, rigors of Section 37 of NDPS Act are not applicable and further, the petitioner is not required by the police for any further investigation or custodial interrogation.
8. In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 10.10.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

May 9, 2023
Paritosh Kumar

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