

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-45204-2023

Date of Decision:-15.09.2023

Dhurv Nagar @ Dhruv Kumar.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Dr. Deipa Singh, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.209 dated 02.07.2023 under Sections 20, 61 and Section 29 (added later on) NDPS Act, 1985 registered at Police Station Sector 31, Faridabad.

2. The brief facts of the case are that while the police party was on patrolling duty information was received that Dhruv Nagar (petitioner) would be coming on his Car bearing registration number 51CA-6100 to deliver Ganja near the cremation ground, Sector 31. If a picket was laid he could be apprehended with the intoxicating material. After complying with the provisions of the Act regarding search and seizure a picket was laid and the checking of the vehicles was started. A Creta car bearing registration number 51CA-6100 was seeing coming towards the cremation ground

Sector 31. On seeing the police party the driver of the vehicle tried to turn back the same but was apprehended. He disclosed his name as Dhruv Nagar. From the boot of the vehicle, the recovery of 2Kg 100 Grams of Ganja contained in a polythene packet came to be effected.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recover from the petitioner is of non commercial quantity of contraband, the commercial quantity being 20 Kgs of Ganja. As he was in custody since 02.07.2023, the report under Section 173(2) Cr.PC stood submitted and none of the 20 prosecution witnesses had been examined so far he was entitled to the concession of bail more so he had clean antecedents.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner for which he was not entitled to the concession of bail. He however, concedes that the petitioner is a first time offender, in custody since 02.07.2023 and none of the 20 prosecution witnesses have been examined so far.

5. I have heard counsel for the parties.

6. Admittedly, the petitioner is a first time offender with no other case registered against him under the NDPS Act. The recovery from his is of non commercial quantity of contraband i.e. 2Kg 100 grams of Ganja, the commercial quantity being 20 Kgs. He is stated to be in custody since 02.07.2023. Till date none of the 20 prosecution witnesses have been examined. Therefore the Trial of the present case is not likely to be concluded anytime soon. In this situation his further incarceration is not warranted.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Dhruv Nagar @ Dhruv

Kumar son of Sh. Sunil Kumar is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 15, 2023
Vinay

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