

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-47567-2022 (O&M)

Date of decision : 16.3.2023

Mohit alias Sonu

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.K.Bishnoi, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.421 dated 24.9.2022 registered under Sections 17 of NDPS Act (Section 27-A of NDPS Act added later on) at Police Station Sadar Dabwali, District Sirsa.

The allegations in nutshell are that 200 grams of Opium was recovered from the possession of co-accused Sanjay and Bhim Sain @ Netu by the police on 24.9.2022 and thereafter, they disclosed to the police that they procured the said contraband from the present petitioner and consequently, the petitioner was named as accused.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and he has already joined the investigation with the police and the petitioner is having no criminal history and further submits that the aforesaid recovery of 200 grams of Opium from

Section 37 of NDPS Act are not attracted to the present case.

State counsel on instructions from SI Kheta Ram apprised the Court that the petitioner, who has joined the investigation with the police, is not required for any further investigation or custodial interrogation. He has not disputed the fact that the petitioner is having no criminal history and is nominated as accused only on the basis of the disclosure made by co-accused Bhim Sain and Sanjay from whom the police recovered 200 grams of Opium.

I have considered the submissions made by the counsel for the parties.

Admittedly, 200 grams of Opium falls under non-commercial quantity and thus, rigors of Section 37 of NDPS Act are not applicable to the instant case. Further, the disclosure, if any, made by co-accused against the present petitioner is subject matter of the trial. Besides, the petitioner is having no criminal history and is not required by the police for purpose of further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 17.10.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

March 16, 2023
Paritosh Kumar

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