

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

CRM-M-47945-2022 (O&M)

Date of Decision:-**08.02.2023**

BAGICHA SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

CRM-5625-2023

In view of the reasons mentioned in the application, the same is
allowed and the main case is ordered to be taken on board today itself.

Main Case

Prayer is for grant of regular bail in case having FIR No.309
dated 17.6.2022 registered under Section 22(b) of NDPS Act at Police
Station Sadar Fatehabad District Fatehabad .

The allegations in nut-shell are that on 17.6.2022, the petitioner was apprehended by the police and 31 grams of Heroin was recovered from his possession.

The counsel for the petitioner *inter alia* contends that the present petitioner has been falsely implicated in the present case and since his arrest, he is in custody and recovery of said 31 grams of Heroin comes under non-commercial quantity as per Section 37 of NDPS and further the petitioner is behind the bars since last 7 months and after completion of investigation challan has been presented and that the petitioner has been granted regular bail in another criminal case being faced by him under NDPS Act. The copy of the said bail order is furnished which is ordered to be taken on record as Annexure P-3.

The instant petition is contested by the State counsel, who submits that the petitioner is habitual offender and on this very ground his bail was rejected by trial Court vide order dated 8.8.2022 (Annexure P-2). However, the State counsel on instructions from SI Krishan Kumar has not refuted the fact that the present case is related to 31 grams of Heroin, which falls under intermediate quantity and that the petitioner is facing only one another case under NDPS Act that too relating to non-commercial quantity of contraband.

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

As per the prosecution version, in the present case recovery of 31 grams of Heroin, which was recovered from the petitioner comes under non-commercial quantity and embargo provided under Section 37 of NDPS

Act is not applicable in the present case. No doubt, the petitioner is facing one another case under NDPS Act but he has been granted benefit of regular bail in the said case as is evident from Annexure P-3. The petitioner is in custody since the date of his arrest i.e. 17.6.2022 and after completion of investigation challan has been presented and charges are yet to be framed and even thereafter it will take time for completion of trial. So no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

08.02.2023
Gaurav Sorot

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