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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48972-2022

DATE OF DECISION: 05.01.2023

Mahavir Singh @ KalaPetitioner

versus

State of HaryanaRespondent

CORAM HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

This is the second petition filed for grant of regular bail in FIR
No.3 dated 03.01.2021, under Sections 20(c) and 29 of Narcotic Drugs &
Psychotropic Substances Act, 1985 (for short 'NDPS Act') registered at
Police Station Kalayat, District Kaithal.

The first petition was withdrawn with liberty to approach the
concerned Court with a prayer for default bail.

Brief facts are that police party acting upon a secret information

on 03.01.2021, apprehended Rajiv and 5 kgs 900 gms of *Charas* was recovered from his possession. The name of the petitioner Mahavir Singh @ Kala surfaced in a disclosure statement, the allegations are that the recovered contraband was purchased from him. The petitioner was arrested on 22.01.2021.

It would not be out of place to mention that the main accused from whom the recovery was made was released on default bail.

The counsel for the petitioner submits that the petitioner is in custody since January 2021; investigation is complete; it is a case of false implication due to involvement of the petitioner in another NDPS case in which he is on bail. It is further submitted that as per case set up, contraband was purchased in November 2019 whereas the FIR and recovery from co-accused is of January 2021.

The State counsel opposed the prayer and submits that the petitioner is involved in one another case under NDPS Act and the recovery from the co-accused was of commercial quantity. He is not disputing the custody period..

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

The name of the petitioner surfaced in a disclosure statement.

He is in custody since January 2021. Though investigation is complete conclusion of trial is likely to take time. The main accused from whom the recovery was made was released on default bail. No recovery was made from the petitioner or at his instance. No fruitful purpose would be served by depriving the petitioner of granting bail merely on the ground that he is involved in another case of the same nature.

Without commenting on the merits of the case and keeping in view the facts and circumstances noted above, the petitioner Mahavir Singh @ Kala is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

05.01.2023
mamta

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No