

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

CRM-M-49510-2022
Date of Decision:-**16.02.2023**

RAVINDER @ RAVI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.301 dated 8.9.2022 registered under Sections 22(b) of NDPS Act at Police Station Asauda, District Jhajjar.

As per the allegations appearing on the record, police apprehended co-accused Vinod @ Sonu and recovered 9 injections of Bupernorphine on 8.9.2022 and the present petitioner was nominated as accused on the basis of disclosure made by said Vinod @ Sonu and resultantly the petitioner was arrested on 16.9.2022

The counsel for the petitioner submits that no contraband was recovered from the petitioner who is having no criminal history and is in custody for the last more than 5 months and that it will take time for the trial to conclude.

The instant petition is resisted by the State counsel, who on instructions from HC Mahavir Singh submits that 9 injections of Bupernorphine were recovered from co-accused Vinod @ Sonu, who disclosed that he procured the said injections from the present petitioner. However, the State counsel has not disputed the fact that the petitioner was arrested in this case on 16.9.2022 but no contraband was recovered from his possession and that recovery effected from co-accused Vinod @ Sonu is covered under non-commercial quantity.

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

The case being relating to non-commercial quantity of contraband is not covered under the rigors of Section 37 of NDPS Act. Admittedly the petitioner is having no criminal history and the police has failed to file the challan till date despite the fact that the petitioner is in custody for the last more than 5 months.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by prolonging the judicial custody of the petitioner 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.

16.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No