

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49192 of 2022

Date of decision: 24th April, 2023

Hoshiyar Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P. S. Sekhon, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This is a second petition seeking regular bail in FIR No. 85 dated 16.4.2021, under Section 22(B), 22(C) and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station Guhla, District Kaithal.
2. The first petition was dismissed as withdrawn on 28.4.2022.
3. The brief facts are that the police party on 16.4.2021 acting upon a secret information apprehended petitioner-Hoshiyar Singh and recovered 190 tablets containing Tramadol Hydrochloride and 240 tablets containing Etizolam salt.
4. Learned counsel for the petitioner submits that it is a case of false implication, recovery of Tramadol Hydrochloride tablets is of non-commercial quantity. He further submits that Etizolam salt was included in the Schedule of the Act on 23.3.2021, the public at large was not aware of inclusion of this salt in the Schedule. The contention is that even the police

officials had registered the case invoking provisions of Act for non-commercial quantity. He further argued that the petitioner has no criminal antecedents and there is no progress in the trial. Reliance is placed upon the decision of the Supreme Court in *SLP (Crl.) No. 6690 of 2022- Dheeraj Kumar Shukla v. The State of Uttar Pradesh*, decided on 25.1.2023.

5. Learned counsel for the State submits that recovery of Etizolam salt was of commercial quantity. On instructions he fairly submits that the petitioner is not involved in any other case under the Act and out of 16 prosecution witnesses, only two witnesses have been examined.

6. Without commenting on the merits of the case and considering that the petitioner has no criminal antecedents, there is no decent progress in the trial and Supreme Court in similar circumstances in *Dheeraj Kumar Shukla's case (supra)* granted bail, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

7. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

24th April, 2023

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No