

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

CRM-M-50132-2022
Date of Decision:-**20.02.2023**

NILESH SAINI ALIAS LUCKY SAINI

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Dheeraj Kumar Narula, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR
No.927 dated 16.10.2022 registered under Sections 21/29 of NDPS Act at
Police Station Civil Line, District Sirsa.

The allegations in nut-shell are that the police apprehended co-
accused Vishal Kashyap along with 6.95 grams of Heroin on 16.10.2022 and
said Vishal Kashyap disclosed that he purchased the aforesaid contraband
from the petitioner and accordingly the petitioner was nominated as accused
in the present case.

Counsel for the petitioner submits that the petitioner who is having no criminal antecedents has joined investigation with the police by virtue of previous order of interim bail passed by this Court.

State counsel on instructions from ASI Satyawar has not refuted the aforesaid assertions made by counsel for the petitioner and submits that the petitioner is not required by police for further investigation or for custodial interrogation.

Admittedly the recovery of 6.95 grams of Heroin from the possession of co-accused Vishal Kashyap comes under non-commercial quantity and as such is not covered under embargo provided in Section 37 of NDPS Act. Further the petitioner is having no criminal history and he is not required by the police for further investigation.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 31.10.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

20.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No