

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

201-A

CRM-M-51306-2022

Date of decision : 20.02.2023

Dalbir @ Dalbiri

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Gaurav Bansal, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.182 dated 05.07.2022 registered under Sections 21B, 29 and 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Ratia, District Fatehabad.

Custody certificate dated 18.02.2023 has been filed by learned State counsel in the Court today which is taken on record.

Brief facts of the case are that on 05.07.2022, a police party headed by ASI Major Singh were present in the area of Police Station Sadar, Ratia for doing patrolling duty. On suspicion they apprehended the petitioner while he was coming on motorcycle bearing registration No.HR59E-7265. After conducting search as per procedure, 22 grams and 10 miligrams heroin was recovered from the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner has nothing to do with the alleged recovery. Mandatory provisions of NDPS Act were not complied with in the present case. No independent witness was joined at the time of alleged recovery. Even otherwise, the alleged contraband recovered from the petitioner falls in the category of non-commercial quantity. The petitioner is in custody since 05.07.2022. Challan has been presented and charges have already been framed. However, no prosecution witness has been examined for far. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition in terms of reply dated 26.11.2022 already filed by the State and submits that the petitioner was apprehended on the spot and 22 grams and 10 miligrams heroin was recovered from him. The petitioner is also involved in 03 other cases under the NDPS Act. However, he is on bail in these cases.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that the alleged recovery falls in the category of non-commercial quantity and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the

concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Dalbir @ Dalbiri is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

20.02.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No