

CRM-M-52203 of 2022

2023:PHHC:051795

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

CRM-M-52203 of 2022

Date of decision: 13.04.2023

Lokesh alias Sonu

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Abhilaksh Grover, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.0465 dated 18.08.2022 under Section 21-B, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotwali, Faridabad.

Brief facts of the case are that on 18.8.2022, SI Sunil, CIA Sector 17, Faridabad alongwith HC Parmod 1860, Constable Shashender 38873, Constable Jai Parkash 1483 was on crime patrolling duty near Police Station Kotwali, Faridabaad, a secret informer informed that one person namely Lokesh alias Sonu (present petitioner) who is indulged in selling of smack is going towards Vashno Devi Mandir Police Station Kotwali in order to supply smack. He can be apprehended red handed. On believing this information, SI Sunil prepared notice under section 42 NDPS Act and sent it through Constable Jai Parkash. After some time, a Wagon R bearing regd. no. HR 30 J 6288 of white colour was seen coming from the side of

CRM-M-52203 of 2022

2023:PHHC:051795

Dabua. Secret informer signaled towards that vehicle. The vehicle was stopped by police party. The driver was apprehended. On enquiry, he disclosed his name Lokesh alias Sonu son of Rajender Singh . Notice under section 50 of NDPS Act was given to him whereupon he desired that his search be carried out in the presence of a Gazetted Officer. Thereafter, Assistant Director Sumit Sheoran was informed, who reached at the spot. He gave directions to SO Simo Kumar to search the petitioner. On his search, from the right pocket of pant one polythene was recovered. On checking it was found narcotic substance i.e. smack. It was weighed at the spot and found to be 15.71 gm smack. Petitioner could not produce any document or permit for retaining the narcotic substance in his possession. He was arrested and present FIR was lodged.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the contraband allegedly recovered from the petitioner falls under the category of “non-commercial” quantity. Learned counsel further submits that investigation in the present case is complete; challan has been presented; charges are yet to be framed and next date before the trial Court is 18.04.2023 for appearance of accused. He submits that petitioner is in custody since 18.08.2022. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel while placing on record custody certificate has opposed the prayer for grant of regular bail to the petitioner. However, he could not refute that the contraband recovered from the petitioner falls under the category of “non-commercial” quantity;

CRM-M-52203 of 2022

2023:PHHC:051795

challan has been presented and charges are yet to be framed and conclusion of trial may take a considerable time.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is 07 months and 25 days; contraband recovered from the petitioner falls under the “non-commercial” category; challan has been presented; charges are yet to be framed; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

13.04.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No