

CRM-M-53508-2023
(255)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-53508-2023 (O & M)
Date of decision: 02.11.2023

Vinod

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.96 dated 27.02.2023 under Section 20 of the NDPS Act, 1985 registered at Police Station Adarsh Nagar, Faridabad, District Faridabad.

2. The brief facts of the case are that while the police party was on patrolling duty, secret information was received that Vinod (petitioner) resident of Mathura was having *ganja patti* in his car bearing No.UP-85-BW-4049 Make Vagon-R and had come to Ballabgarh, Faridabad. If a barricade was set-up, he could be apprehended. Based on the said information, a barricade was set-up and the petitioner came to be apprehended with 20 kilos 400 grams of *ganja patti*.

Thereafter, the instant FIR No. 96 dated 27.02.2023 under Section 20 of the NDPS Act, Police Station Adarsh Nagar, District Faridabad, came to be registered.

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3. The learned counsel for the petitioner contends that in the instant case, the recovery was of 20 kilos 400 grams, which was marginally above the commercial quantity of 20 kilos. As the petitioner was in custody since 27.02.2023 and none of the 20 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that commercial quantity of contraband had been recovered from the petitioner. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner is in custody since 27.02.2023 and none of the 20 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. In the cases of 'Sukhchain Singh @ Manga Versus State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh versus State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya versus State of Punjab (CRM-M-37645-2021) decided on 11.11.2022, Jang Kanwar Versus State of Punjab (CRM-M-53415-2021) decided on 19.01.2022, Shankar Prashad Chanau Versus The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar Versus State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim Versus State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Gagandeep Versus State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi Versus State of Punjab, CRM-M-41039-2019, decided on 26.02.2020, Dalbara Singh Versus State of Punjab, CRM-M-47880-2022 decided on 16.01.2023, and Vivek Watts versus State of Punjab, CRM-M-13791-2022 decided on 15.02.2023,

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quantity for the respective contraband in each case, the Court granted bail to the accused therein.

7. In the instant case, the recovery is of 20 kilos 400 grams of *ganja patti* which is marginally above the commercial quantity of 20 kilos. The petitioner is in custody since 27.02.2023 and none of the 20 prosecution witnesses have been examined so far. In such a situation, the provisions of Section 37 of the NDPS Act can be relaxed to an extent and the case of the petitioner can be considered for the grant of bail.

9. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Vinod is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the case(s) mentioned in this order.

11. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

November 02, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No