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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 59803 of 2023
Decided on :- 04.12.2023

SUBHASH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

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

Mr. Surender Singh, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
502	20.09.2023	15(b), (27-A and 31of the NDPS Act added lateron)	Sadar Fatehabad, District Fatehabad

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner along with co-accused Chanderpal and Sanjay @ Chautala were apprehended by police on 20.09.2023 and from their possession alleged recovery of 9.5 kgs. of poppy husk has been shown. He submits that infact no recovery has been effected from the petitioner and the recovery does not fall within the purview of commercial quantity. He submits that

the petitioner is having clean antecedents and has been in custody since 20.09.2023. Hence he prayed for grant of bail.

3. Per contra, learned State counsel has opposed the bail application by arguing that recovery of 9.5 kgs. of poppy husk has been effected from the petitioner and co-accused, he however submitted that after investigation challan has been presented in Court.

4. Considering the rival contentions and perusing the record, it is not disputed that the recovery effected in this case is of 9.5 kgs of poppy husk which does not fall within the purview of commercial quantity. The challan in the case has already been presented in the Court. The petitioner is in custody since 20.09.2023. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and considering the quantity of the contraband, I find no purpose would be served by detaining the petitioner any longer.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be

open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

04.12.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No