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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-3469-2024

Date of Decision:-29.01.2024

MAHENDER NEGI

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondent

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. R.K. Lathwal, Advocate
for the Petitioner.

Mr. Rajiv Goel, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.254 dated 30.09.2023 under Section 20 of the NDPS Act, 1985 at Police Station Lakhan Majra, District Rohtak, Haryana.

2. The petitioner-Mahender Negi came to be apprehended with 600 grams of charas.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. There was a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Sections 42 and 50. As the petitioner was in custody since 30.09.2023, none of the 13 prosecution witnesses had been examined so far and the recovery was of non-commercial quantity of contraband, he was entitled to the concession of bail.

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4. The learned counsel for the State, on the other hand, contends that serious allegations have been levelled against the petitioner. Offences of this kind were on the rise and, therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 30.09.2023, none of the 13 prosecution witnesses had been examined so far and that the recovery was of non-commercial quantity of contraband.
5. I have heard the learned counsel for the parties.
6. Admittedly, the recovery from the petitioner is of non-commercial quantity of contraband. Therefore, the bar contained under Section 37 of the NDPS Act would not be applicable to the case of the petitioner. Further, the petitioner is stated to be in custody since 30.09.2023 and none of the 13 prosecution witnesses had been examined so far. Therefore the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mahender Negi son of Rattan Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

29.01.2024
JITESH

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>