

SHYAM ALIAS SANJU

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.609 dated 02.10.2023 registered for the offences punishable under Sections 22(b) and 61 of NDPS Act at Police Station City Mujesar, District Faridabad.

2. The allegations in nutshell are that police recovered 59 injections of Pentazocine from petitioner on 02.10.2023 and the petitioner was arrested at the spot.
3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and even otherwise the alleged recovery comes under non-commercial quantity and after completion of investigation, police has presented challan but it will take considerable time for the trial to conclude. So, prayer is made that the petitioner, who is having no criminal history be released on regular bail in the present

4. Present petition is resisted by the State counsel, who on instructions from ASI Samay Singh submits that the petitioner was arrested along with 59 injections of Pentazocine by the police and is in custody for the last more than 5 months. However, the State counsel has not disputed the fact that the petitioner is having no criminal antecedents and that the aforesaid recovery of contraband comes under non-commercial quantity as per the provisions of NDPS Act and that it will take time for the trial to conclude.
5. I have considered the submissions made by the counsel for the parties.
6. Admittedly, the petitioner who is having no criminal history is in custody for the last more than 5 months as has been admitted by the State counsel. The contraband recovered from the petitioner comes under non-commercial quantity and thus stringent provisions of Section 37 of NDPS Act are not applicable to the instant case. It will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.
7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.03.2024

Priyanka Thakur

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

(KARAMJIT SINGH)

JUDGE