

SHIV KESH

Versus

STATE OF HARYANA

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Yadav, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 715 dated 07.11.2023 registered under Section 20 of NDPS Act (later on Section 29 of NDPS Act was added) at Police Station Ballabgarh City, District Faridabad wherein, the petitioner has been implicated on the basis of disclosure statement made by two of the co-accused namely Mohit Srivastav and Pranjal Agnihotri against whom allegations of recovery of 1 kilogram and 96 grams of charas has been made.
2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the recovery which is of commercial quantity besides, the period of custody which is just around 4 months.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, the petitioner was implicated on the basis of disclosure statement made by other two co-accused namely, Mohit Srivastav and Pranjal Agnihotri from whom the recovery of 1 kilogram and 96 grams of charas was allegedly made.

5. In pursuance to the aforesaid disclosure, no recovery has been effected from the petitioner nor he is involved in any other case of similar nature. As per learned State counsel, investigation in the present case stands concluded with the filing of challan and after framing of charges none of the prosecution witnesses has been examined so far and thus, the trial is likely to take some time. Considering the aforesaid, besides the petitioner being in custody for the past almost 4 months, this Court does not find justification to extend his incarceration any further.

6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

27.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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

