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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12833-2024

Date of Decision:- 20.08.2024

Yashpal

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Poonam Rani, Advocate for
Mr. Siddarth, Advocate for petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Yashpal has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 411 dated 02.11.2023 under Section 20, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Old, Faridabad.

2. As per the facts of case, on 02.11.2023, ASI Shiv Kumar received secret information regarding Yashpal that he was dealing with supply of ganjapatti and if raid is conducted, he could be apprehended. Raiding party was constituted, information was sent to police station under Section 42 of NDPS Act. On the basis of said information, accused was apprehended and from his bag 1.800 kg of ganjapatti was recovered from a plastic bag. On the basis of this recovery, present FIR was registered.

3. Learned counsel for petitioner argued that petitioner was arrested on 02.11.2023. He is falsely implicated in this case. His regular bail

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application was wrongly declined by learned Additional Sessions Judge, Faridabad vide order dated 08.01.2024 (Annexure P-2). Investigation is completed and challan has been presented. He was granted interim bail vide order dated 18.03.2024. He has already joined the investigation. It is prayed that his interim bail order may kindly be confirmed.

4. Bail application is opposed by learned counsel representing State. However, it is conceded that challan is already presented on 18.01.2024 and charge-sheet was framed on 05.04.2024. Now the case is pending for prosecution evidence. It is conceded that said recovery falls in non-commercial quantity.

5. I have considered the arguments and have gone through the record. Alleged recovery falls in non-commercial quantity. Petitioner was arrested on 02.11.2023. Challan is already presented on 18.01.2024 and charge-sheet was framed on 05.04.2024. Considering the aforesaid factual position and quantity of contraband allegedly recovered from him, interim bail already granted in favour of petitioner Yashpal vide order dated 18.03.2024 stands confirmed, on the same terms and conditions as mentioned in said order.

6. Petition is accordingly, allowed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

20.08.2024*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No