

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-M-11465-2024
Date of Decision: 29.04.2024.

KRISHAN KUMAR

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sandeep Goyat, Advocate
for the petitioner.

Mr. Sumita Jain, Additional AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No. 474 dated 24.11.2023, under Sections 15-B/61/85 of NDPS Act, registered at Police Station Bhuna, District Fatehabad.

2. As per allegations, 2 Kg 600 grams of kachra doda post (poppy husk) was recovered from the possession of the petitioner on 24.11.2023.

3. Learned counsel for the petitioner contends that petitioner has been falesly implicated; that recovered quantity falls in the non commercial category; that he is in custody for the last more than 05 months and trial may take time to conclude and so he be allowed bail.

4. The custody certificate has been placed on record by learned State counsel. Learned State counsel does not dispute the fact that recovered quantity of the contraband falls under non- commercial category but bail is opposed due to the antecedents of the petitioner.

5. As per the custody certificate, the petitioner is in custody for the last 05 moths and 04 days and is under trial in one case pertaining to the

NDPS Act registered in 2017. However, status report filed today would reveal that involvement of the petitioner in 05 other cases out of which he has already been acquitted in three cases. His conviction was recorded in two cases. The first conviction in a matter under Section 18 of the NDPS Act was recorded way back in 2010 whereas, second conviction was in a case pertaining to Excise Act, that too pertaining to the FIR of 2010.

6. Looking into the aforesaid facts and circumstances, but without commenting anything upon the merits of the case, petition is allowed. Petitioner is admitted to regular bail and is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

29.04.2024

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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	No