

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-11994-2024

Date of Decision : March 13, 2024

RAJ KUMAR @ RAJU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr.Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.427, dated 16.12.2023, under Sections 20 of the NDPS Act, registered at Police Station Murthal, District Sonapat.

2. Learned counsel for the petitioner submits that it is not under dispute that the petitioner was arrested on 16.12.2023, and the recovery of contraband which was effected from him is of 5.300 Kgs. of *Ganja*, which falls within the ambit of non-commercial quantity as prescribed under the schedule of the NDPS Act.

3. He further submits that the petitioner has already suffered incarceration of more than 2 months as on today, and the *challan* in the present FIR has been presented on 17.02.2024, however, charges are yet to be framed by the learned trial Court concerned.

4. He also submits that though the petitioner is not involved in any other criminal case under the NDPS Act, however two FIRs for the

commission of offence under the Excise Act, have been registered against him in New Delhi.

5. Learned State counsel vociferously opposed the asked for relief and has placed on record a custody certificate *qua* the petitioner, which is taken on record, and a perusal of the same reveals that the petitioner has suffered incarceration of 2 months and 27 days as on today, and he is stated to be involved in one more criminal case under the Excise Act.

6. He further submits, on instructions imparted to him by the police official, that after investigation *challan* has been presented, but the charges are yet to be framed.

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

8. Considering the fact that the quantity of contraband recovered from the present petitioner, falls within the ambit of non-commercial quantity, and the petitioner has suffered incarceration of 2 months and 27 days as on today, and the trial has yet not commence, and he is not involved in any other criminal case under the NDPS Act, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

March 13, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No