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2024:PHHC:038468

**CRM-M-12849-2024**  
**Date of decision : 18.03.2024**

STATE OF HARYANA ....Respondent

Present: Mr. Vikas Lochab, Advocate  
for the petitioners

Mr. A.K. Sehrawat, DAG, Haryana.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case F.I.R. No.0021 dated 24.01.2024 registered for the offences punishable under Sections 15-B of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Sadar Narnaul, Narnaul.

2. Custody Certificate of petitioner Manjeet Singh has been produced. The same is taken on record.

3. Petitioners were nominated on the basis of disclosure made by Sukhwinder Singh who was apprehended with 5 kg. 925 gms. of *poppy-husk*. The petitioners are behind bars since 27.01.2024 and have undergone actual custody of 1 month and 15 days. They have no antecedents of being involved in any criminal case. Its a case of recovery of intermediate

quantity and thus rigors of Section 37 of the Act would not be attracted. Apart from that so far as the only incriminating evidence against the petitioners is concerned, the same is in the form of disclosure made by co-accused which as per the dictum of law laid by the Apex Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1** is a weak piece of evidence.

4. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioners and the nature of evidence against them, the present petition is allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioners shall remain bound by the following conditions:

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.

- (v) The petitioners shall deposit their passport, if any with the trial Court.
  - (vi) The petitioners shall give their cellphone number to the police authorities and shall not change their cell-phone number without permission of the Trial Court.
  - (vii) The petitioners shall not in any manner try to delay the trial.
8. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.
9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

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|---------------------------|---|----------------------|
| <b>March 18, 2024</b>     |   | <b>(Pankaj Jain)</b> |
| <b>Dpr</b>                |   | <b>Judge</b>         |
| Whether speaking/reasoned | : | Yes/No               |
| Whether reportable        | : | Yes/No               |