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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18860-2024
Date of decision : 24.04.2024

Devdas @ Devu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

- 1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.855 dated 09.10.2023 registered under Sections 20-61-85 of NDPS Act (Section 29 of NDPS Act, 1985 added later on) at Police Station Sector 58, Faridabad.
- 2 As per the case of the prosecution, secret information was received with respect to the petitioner indulging in trade of Narcotics substance. The accused was identified and apprehended while travelling on scooty. The vehicle was searched and from the boot of the vehicle *ganja patti*, weighing 2.300 kg was recovered.
- 3 Learned counsel for the petitioner submits that the petitioner is not the owner of the vehicle. The quantity recovered is less than commercial.
- 4 Custody certificate has been filed. The same is taken on record. As per the custody certificate, the petitioner by now has

undergone more than 06 months and 14 days. Investigation stands concluded. Challan stands presented sans FSL report. Thus not only the police report is incomplete but rigors of Section 37 of the NDPS Act also would not be applicable and the petitioner has clean antecedents.

5 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

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

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) *The petitioner shall not mis-use the liberty granted.*
- (ii) *The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) *The petitioner shall not absent himself on any date before the trial.*
- (iv) *The petitioner shall not commit any offence while on bail.*
- (v) *The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) *The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) *The petitioner shall not in any manner try to delay the trial.*

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

24.04.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No