

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

**Neutral Citation No. 2024:PHHC:056605
CRM-M-19350-2024
Date of Decision: April 25, 2024**

Manish Kumar @ Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Tajeshwar Singh Sullar, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.24 dated 06.03.2024, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') (Section 29 of the NDPS Act added later on), registered at Police Station Naggal, District Ambala.

2. As per the prosecution allegations, during police patrolling, petitioner was apprehended while riding a motorcycle and from left pocket of his lower, a white plastic foil was found containing 90.20 grams of opium.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that quantity of the contraband as allegedly recovered from the petitioner, is non-commercial in nature; that petitioner is not involved in any other case; that he is in custody for the last more than 01 month and that further investigation and trial may take time to conclude.

4. Notice of motion.

5. Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.

6. Learned State counsel concedes the fact that the recovery allegedly effected from the petitioner, falls in the non-commercial category, which starts from 2.5 Kg., whereas recovery effected from the petitioner in the present case is only of 90.20 grams.
7. Custody certificate placed on record by learned State counsel would reveal that petitioner is in custody for the last 01 month and 15 days. He has no other criminal case pending against him. Further investigation and the trial may take long time to conclude. No purpose shall be served by keeping the petitioner detained.
8. Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 25, 2024
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No