



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-25369-2024 (O&M)
Date of Decision:-16.7.2024

Rajan @ Gurmeet ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Som Nath Saini, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
278	4.10.2020	Parao, Ambala, District Ambala, Haryana	21 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The allegations, in nutshell, are that the petitioner was found in possession of 536 capsules of ‘Spasmo Proxyvon’, which upon chemical analysis found to contain ‘tramadol’.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that, in any case, he has been behind bars since the last more than 2 years and 6 months and since the trial is not likely



CRM-M-25369-2024 (O&M) (2)

to be concluded in immediate future, he deserves the concession of bail particularly when he has a clean record.

- 4. Opposing the petition, learned State counsel submitted that since it is a case of recovery of commercial quantity of contraband, the fetters imposed by Section 37 of NDPS Act would come into play. Learned State counsel, however, informed that the petitioner has been behind bars since the last more than 2 years and 6 months and that as on date 4 PWs out of the cited 18 PWs have been examined. It has also been informed that the petitioner is not involved in any other case under NDPS Act though he stands involved in one case under Public Gambling Act.
- 5. This Court has considered rival submissions addressed before this Court.
- 6. It is no doubt correct that the recovered quantity of contraband would fall in the category of ‘commercial’ quantity. However, having regard to the fact that the petitioner is not involved in any other case under NDPS Act and has been behind bars for a substantial period of more than 2 years and 6 months and also that conclusion of trial is likely to take time inasmuch as only 4 PWs out of the cited 18 PWs have been examined so far, further detention of the petitioner will not serve any useful purpose.
- 7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.7.2024

Pankaj/Geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No