

2024:PHHC:072808



S. No.236

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25053 of 2024

Date of Decision:22.05.2024

JosuaPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ashish Jhamb, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.259 dated 29.07.2023 registered under Sections 22(b) (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substance Act, 1985, at Police Station Sarai Khawaja, Faridabad.

2. As per prosecution allegations, total nine strips of intoxicating tablets, with weight of 39 grams and salt of Tramadol Hydrochloride, were recovered from the conscious possession of the petitioner on 29.07.2023. Petitioner is stated to be a Nigerian citizen.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last approximately ten months; that he is not involved in any other criminal case; that recovered quantity of contraband falls in the non-commercial category and that the trial may take time to conclude, so, he be allowed bail.

4. Notice of motion.

5. Mr. Randhir Singh, learned Addl. AG, Haryana, accepts notice on behalf of the respondent- State. Custody certificate has been placed on record.



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6. Learned State Counsel concedes the fact that the recovered quantity of contraband falls in the non-commercial category.
7. The custody certificate placed on record by learned State Counsel would reveal that the petitioner is in custody for the last 09 months and 23 days and that he is not involved in any other case.
8. Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.
9. Considering the fact that petitioner is a Nigerian citizen, there may be apprehension that he may flee out of country in case of allowing him bail, therefore, apart from conditions which may be imposed by the trial Court, the petitioner shall surrender his passport before the trial Court concerned.

May 22, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No