

S. No.219

2024:PHHC:042128

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

CRM-M-41693 of 2023

Date of Decision:22.03.2024

Sandeep Soni

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Partap Singh, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

Status report by way of an affidavit of Shri Ashok Kumar, HPS, Deputy Superintendent of Police (Loharu), Bhiwani, Haryana has been filed on behalf of the respondent- State, along with the custody certificate.

By way of present petition filed under Section 439 Cr.P.C, petitioner prays for grant of regular bail in case FIR No.120 dated 01.05.2023 registered under Sections 22(c) and 29 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added later on) at Police Station Industrial Area, Bhiwani, District Bhiwani.

As per prosecution allegations, petitioner and co-accused Shreyansh were found in possession of 10 bottles of Syrups Make Onerex of 100 ml each, total weighing 1 Kg 100 grams, when they were coming from a car from the side of Rohtak on 01.05.2023.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; in fact recovery was effected from the co-accused; that the recovered quantity of contraband is marginally higher than the commercial

category; that the petitioner is not involved in any other case; that he is in custody for the last more than ten months and that the trial may take time to conclude, so, he be allowed bail.

Learned State Counsel has opposed the bail petition by pointing out that recovery was effected jointly from the petitioner and the co-accused and the recovered quantity falls in the commercial category.

However, it is conceded by learned State Counsel that there is no other criminal case pending against the petitioner.

As per the custody certificate placed on record, it is revealed that the petitioner is in custody for the last 10 months and 19 days.

It is also informed by learned State Counsel that out of 19 witnesses cited by the prosecution, only six have been examined so far. Thus, trial is likely to take long time to conclude.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything 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 concerned, on usual terms and conditions.

March 22, 2024
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(DEEPAK GUPTA)
JUDGE

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