

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

**CRM-M No. 43057 of 2023 (O&M)
Date of Decision: 21.02.2024**

Mohan Chaudhary

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Yuvraj Singh Chauhan, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 96 dated 19.04.2023, under Section 20B(ii) of NDPS Act, 1985, registered at Police Station GRP, District Ambala Cantt., wherein he was implicated against the alleged recovery of 5.510 kgs. of *Ganja*.

[2] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while submitting that in case the petitioner is released on bail, he may indulge into similar kind of offence.

[3] I have heard learned counsel for the parties and gone through the paper-book.

[4] In the present case, the recovery of contraband is admittedly of non-commercial in nature and the investigation already stands concluded with the filing of challan. The petitioner is already behind the bars since 19.04.2023, i.e. for the past almost ten months and the trial may take some time. Besides it, he is not involved in any other case. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

[5] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[6] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

[7] Pending miscellaneous application(s), if any, shall also disposed off.

February 21, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>