



230

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47042-2024

Date of Decision: 25.09.2024

Kedar Nath alias Krishan

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ashish Pannu, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.467 dated 30.07.2024 registered under Sections 22-C, 29-61-85 of NDPS Act, at Police Station Krishna Gate, Thanesar, District Kurukshetra.
2. Learned counsel for the petitioner contends that 600 Capsules of Parvodon Spas containing tramadol salt (60 strips containing 10 Capsules each) weighing 325.80 grams; 904 Capsules of Proxyoff Spas containing tramadol salt (113 strips containing 8 capsules each) weighing 465.50 grams; and 1560 Capsules of Parvodon Spas containing tramadol salt (156 strip containing 10 Capsules each) weighing 858 grams (a psychotropic substance provided at Sr. No.110Y of the Scheduled attached with the NDPS Act) were recovered from the possession of one Mahipal, co-accused. Mahipal was arrested by the police and the entire recovery in the present case has taken place from him only. Learned counsel further contends that the petitioner was neither named in the FIR nor had played any role in the crime. The petitioner was nominated as an accused on the basis of the disclosure statement suffered by Mahipal and apart



from that, there is no other evidence against him. He further submits that the petitioner was never involved in any other criminal activity and the similarly placed co-accused, namely, Ghanshyam has already been granted the concession of interim anticipatory bail by this Court, vide order dated 28.08.2024 passed in CRM-M-41879-2024 titled as “Ghanshyam Vs. State of Haryana” (Annexure P-2).

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, it is not in dispute that the similarly placed co-accused, Ghanshyam has already been granted the concession of interim anticipatory bail by this Court vide order dated 28.08.2024 (Annexure P-2). The petitioner is in custody since 04.08.2024 and no purpose will be served by keeping him behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

25.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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