

318

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48068-2024
Date of decision:-19.11.2024

DEEPAK ALIAS CHIKKU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Shweta Bawa, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of affidavit dated 18.11.2024 of Deputy Superintendent of Police, Head Quarter, District Bhiwani, Haryana, along with custody certificate dated 17.11.2024 the same are taken on record. Copies thereof, have been supplied to the counsel opposite.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 of the Bhartiya Nagarik Surakasha Sanhita (BNSS),2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
332	21.07.2024	18(b) of NDPS Act	Bhiwani City, District Bhiwani

4. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. She contends that as per allegations 2.52 kgs of Ganja Pati was recovered from the petitioner and he was arrested on 21.07.2024, since then he is in custody. She contends that the alleged recovery of 2.52 kgs of Ganja Patti does not fall within the purview of commercial quantity. She contends that after completion of investigation, challan has already been prepared, as such he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner has been found in indulging in trafficking of narcotics, as such prays for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner was arrested on 21.07.2024 on the allegations of keeping in his possession 2.52 kgs of Ganja Pati. Admittedly, the recovered contraband does not fall within the purview of commercial quantity. The petitioner is not having any other case registered under NDPS Act, and as per the reply submitted by the State, investigation is complete and challan has been prepared by the police and same is ready to be submitted before the learned trial Court. The conclusion of trial to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time, therefore, in these circumstances, no purpose would be served by detaining petitioner in custody any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars.



Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.11.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No