

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

**Neutral Citation No. 2024:PHHC:017965
CRM-M-52213-2023
Date of Decision: February 08, 2024**

Anil Kumar Yadav @ Anil Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.S. Gill, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.512 dated 20.06.2023, under Section 17-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Civil Line, Sirsa, District Sirsa.

2. As per prosecution allegations, on 20.06.2023, petitioner and his co-accused Raju Yadav were arrested, while standing at Bus Stand, Sirsa. Due to suspicion, both of them were apprehended. However, the personal search of the petitioner and co-accused did not yield any recovery. On the search of the bag carried by co-accused Raju Yadav, 3 Kg. 30 grams of opium was recovered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely roped in the present only because he was present with co-accused Raju Yadav, without knowing about the contents of the bag carried by said Raju Yadav. Learned counsel further points out that no recovery of any contraband has been effected from the petitioner nor he has ever been involved in any such case.

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4. Status report has already been filed. Learned State counsel concedes that fact that on personal search of the petitioner, no recovery was effected from him and it is only on the search of the bag carried by co-accused Raju Yadav that recovery of contraband was effected.

5. Custody certificate placed by learned State counsel reveals that petitioner is in custody for the last 07 months and 17 days. He has no other criminal case pending against him.

6. Learned State counsel also informs that out of 20 witnesses cited by the prosecution, not even a single witness has been examined so far

7. Having regard to the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

February 08, 2024

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No