

2024:PHHC:151489



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-51907-2024 (O&M)
Date of decision: 20.11.2024

Ankit Yadav ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of BNSS, 2023 seeking regular bail in case arising out of FIR No. 335 dated 05.07.2024, registered under Sections 20(b)(ii)(A) and 21(b) of the NDPS Act, 1985 at Police Station Kherki Daula, District Gurugram.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 05.07.2024, after receiving a secret information that the petitioner was involved in selling narcotic substances from his house, a raiding party headed by SI Ashok Kumar reached at the house of the petitioner and apprehended him. On conducting search of the house of the petitioner, 50.84 grams of Ganja and 20 grams of smack were recovered. The petitioner was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned

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offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 16.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No recovery was effected from the house of the petitioner. Rather, the alleged recovered contraband was planted upon the petitioner. Mandatory provisions of the NDPS Act were not complied with. More so, the quantity of aforesaid contraband, allegedly recovered from the house of the petitioner, does not fall within the ambit of commercial quantity. Investigation has since been completed and challan has been presented. Trial is likely to take time. The petitioner is in custody since 05.07.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Reply/status report has been filed by the respondent-State. In terms of the same, learned State counsel has opposed the prayer made by the petitioner by arguing that the petitioner was apprehended by the police party at the spot and recovery of aforesaid contraband was effected from his house. The petitioner is involved in one more case under the NDPS Act. Trial is going on at a proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police on 05.07.2024 on the basis of a secret information and recovery of 50.84 grams of Ganja and 20 grams of smack was effected from his house.

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The quantity of the recovered contraband does not fall within the ambit of commercial quantity. Although, the petitioner is shown to be involved in one more case of similar nature, however, he is stated to be on bail in that case. Investigation in the present case has since been completed and challan has been presented. Trial is likely to take time as even charges have not been framed so far. The petitioner is in custody since 05.07.2024. Keeping in view the discussion as made above, the period of incarceration of the petitioner, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.11.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>