

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

Neutral Citation No. **2024:PHHC:028859**
CRM-M-57454-2023

Date of Decision: February 29, 2024

Monty

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kartar Singh, Advocate for the petitioner.

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

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.335 dated 05.08.2023, under Sections 21(b), 27-A & 31 (Act No.61 of 1985) of the NDPS Act, {for short 'the NDPS Act'}, registered at Police Station Bhuna, District Fatehabad.

2. Allegations are that 12.50 grams of heroin was recovered from the possession of co-accused Mukesh @ Sheelu, who in his disclosure statement nominated petitioner – Monty to be the supplier. After his arrest, petitioner nominated one Sonu @ Kala to have purchased the contraband from him.

3. Learned counsel for the petitioner contends that Mukesh @ Sheelu from whom the recovery was effected; as well as Sonu @ Kala, from whom the petitioner had allegedly purchased the contraband, have already been allowed bail by the Trial Court. Learned counsel has placed on record the copies of the said bail orders. Learned counsel further contends that the recovered quantity of the contraband falls in the non-commercial category; that petitioner is in custody for the last more than 06 months; and that the trial may take long time to conclude, so he be allowed bail.

4. Though status report has not been filed despite opportunity, but learned State counsel has opposed the bail petition by pointing out towards the criminal antecedents of the petitioner, who is involved in as many as 06 other cases pertaining to NDPS Act and one case pertaining to the Arms Act.

5. Heard.

6. No doubt, the petitioner is involved in 06 other cases pertaining to NDPS Act, but the Court cannot ignore the role attributed to the petitioner in the present case. Admittedly, no recovery has been effected from the petitioner. He has been nominated only on the basis of disclosure statement of co-accused Mukesh @ Sheelu, from whom the recovery was effected and who has already been allowed bail. The recovered quantity of the contraband falls in the non-commercial category. Petitioner is in custody for the last 06 months and 08 days, as per the custody certificate. Trial may take time to conclude.

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/Chief Judicial Magistrate concerned, on usual terms and conditions.

Allowed.

February 29, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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