

S. No.223

2024:PHHC:004011

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61876 of 2023

Date of Decision:12.01.2024

Aman

.....Petitioner

Vs.

The State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Dhruv Gupta, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.186 dated 18.08.2023 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added later on) at Police Station, Sector-9, Ambala City, District Ambala.

As per allegations, 16.50 grams of heroin kept in a polythene bag was recovered from the right pocket of the lower worn by the petitioner on 18.08.2023.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated; that recovered quantity of contraband falls in the non-commercial quantity as the commercial quantity starts from 250 grams. It is also contended by learned counsel that even the challan has not been filed so far and the petitioner is in custody for the last more 04 months and 23 days with no other criminal case pertaining to the NDPS Act.

Notice of motion.

Mr. Sumit Jain, Addl. AG, Haryana, accepts notice on behalf of the respondent- State.

Learned State Counsel has placed on record custody certificate revealing that the petitioner is in custody for the last 04 months and 23 days. Although he is involved in three other cases but none of them pertained to the NDPS Act. Learned State Counsel also does not dispute the fact that recovered quantity of contraband falls in the non-commercial quantity and that the challan has not been filed so far.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 12, 2024
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No