



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

244

CRM-M-59884-2024

Date of Decision: 04.12.2024

RAHUL

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Himanshu Joshi, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.199 dated 25.08.2024 registered under Section(s) 20(b)(ii)(b) and 21(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Ateli, District Mahendergarh (Annexure P-1).

2. As per the case of the prosecution, the petitioner was apprehended by the police, while he was carrying 01 kg 430 grams of ganja without any permit or license.

3. Learned State counsel submits that the quantity of contraband recovered from the petitioner falls within the ambit of “non-commercial quantity” and rigours of Section 37 of NDPS Act

would not apply to the facts of the present case. He further contends that the petitioner was arrested in the present case on 29.08.2024 and is in custody since then.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that two more cases under various provisions of IPC have been registered against the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 29.08.2024 and challan has already been presented against him. The quantity of contraband recovered from the petitioner falls within the ambit of “non-commercial quantity” and Section 37 of NDPS Act would not apply to the facts of the present case.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

04.12.2024
M.Sikka

(N.S.SHEKHAWAT)
JUDGE

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