



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
205 CRM-M-64917-2023
Date of decision: 27.05.2024

RAM GOPAL

... Petitioner

Vs.

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sandeep Raj Duggal, Advocate
Mr. R.S. Duggal, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

1. This second petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Sections
792	19.11.2021	Old Industrial Area Panipat, District Panipat, Haryana	20, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act')

2. Version of the prosecution is that FIR, Annexure P-1 was registered on the basis of secret information. Residential house of Satnam Singh was raided and recovery of 20.750 Kg of *ganja* was effected and Ram Gopal (present petitioner) was arrested from the spot.



3. Counsel for the petitioner submits that the recovery effected from the petitioner is marginally above the commercial quantity as prescribed in the notification issued under the NDPS Act. He contends that the petitioner was serving Satnam Singh, who was the main accused, as a servant and was arrested while he was feeding the cattle. By making a reference to order dated 06.12.2023, Annexure P-2, he submits that the main accused has been released on regular bail by this Court. He asserts that as the trial is not likely to conclude in the near future, petitioner is entitled to be released on bail.

4. Per contra, State counsel has opposed the petition by submitting that as commercial quantity of contraband has been recovered, bar under Section 37 of the NDPS Act will apply. He has filed the custody certificate dated 25.05.2024, which is taken on record. He submits that the petitioner was involved in another criminal case lodged for offence under the NDPS Act way back in the year 2015 but its details are not available. He as specific instructions to state that 6 out of 17 witnesses have been examined.

5. I have heard counsel for the parties and have considered their respective submissions.

6. In CRM-M-18775-2021 (O&M), ***Jatin Arora @ Jatin Versus State of Punjab***, decided on 07.07.2021, this Court held that where the allegation pertains to recovery of contraband, which is marginally above the threshold limit of commercial quantity, coupled with the long incarceration, the accused will be entitled to the benefit of



bail. Besides these factors, the remote possibility of an early conclusion of the trial is another reason for accepting the prayer made in the petition.

7. Without advertent to the merits or demerits of the arguments addressed, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.05.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No