

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

**Neutral Citation No. 2024:PHHC:010512
CRM-M-65417-2023**

Date of Decision: January 25, 2024

Heera @ Heera Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

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

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.513 dated 29.11.2021, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') (Section 29 of the NDPS Act added later on), registered at Police Station Dabua, District Faridabad.

2. This is the third petition for the purpose. It is contended by learned counsel for the petitioner that earlier, the first petition bearing No. CRM-M-3087-2022 was dismissed for the purpose of interim bail; whereas the second petitioner bearing No.CRM-M-47110-2022 was dismissed on 03.03.2023. Learned counsel contends that after the dismissal of the last petition, the co-accused from whom the recovery was effected, has already been allowed bail.

3. As per prosecution allegations, 24 Kgs. and 218 grams of ganja patti was recovered from a car occupied by co-accused Latif and Jabbar. The said co-accused in their disclosure statement nominated the petitioner to be the supplier.

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4. Learned counsel for the petitioner points out that similarly placed co-accused Jabbar has already been allowed bail by this Court vide order dated 11.12.2023 passed in CRM-M-18154-2023 (Annexure P-3) after noticing that his custody period was more than 02 years. Another co-accused Latif was also allowed bail by this Court vide order dated 12.01.2024 passed in CRM-M-587-2024.

5. Learned State counsel could not refute the contention that co-accused Latif and Jabbar, from whom recovery was effected, have already been allowed bail and the petitioner has been nominated only as a supplier.

6. As per the custody certificate, petitioner is in custody for the last 01 year, 11 months and 22 days in the present case. Although he is stated to be involved in 03 more cases pertaining to the NDPS Act, but having regard to the role attributed to the petitioner in the present case, the custody period and the fact that the co-accused from whom the recovery was effected, have already been allowed bail by this Court, but without commenting anything on the merits of the case, the petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

January 25, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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