



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

CRM-M-60704-2024

Date of decision : 16.12.2024

Vicky @ Lala

.....Petitioner

versus

The State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.239 dated 02.08.2024, under Section 21 of the NDPS Act, registered at Police Station Naraingarh, District Ambala.

2. As per the facts of the case, the police party on 02.08.2024 received a secret information that Vicky @ Lala is involved in the business of narcotics and he was roaming around Naraingarh. It was informed that he was sitting in the tubewell room of former Sarpanch Kala. If the raid is conducted, he could be arrested along with the contraband. On completing the formalities, police raided the disclosed place and found Vicky @ Lala who was identified as a secret informer. On asking, he disclosed his name as Vicky @ Lala. He was suspected to be carrying some contraband. The offer was given and on conducting search of the right pocket of his pant, a plastic polythene was recovered from which 12.52 grams of heroin was recovered. He failed to produce any license regarding the possession of the same and thus, he was arrested on the spot. On registration of the FIR,



investigation commenced. The samples taken were sent to the FSL. Petitioner approached the Court of learned Additional Sessions Judge, Ambala praying for the grant of bail. However, after hearing counsel for both the sides, the same was declined by the learned Additional Sessions Judge, Ambala vide order dated 11.11.2024. Hence being aggrieved, petitioner is before this Court praying for the grant of regular bail.

3. It has been submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He submits that the petitioner has been implicated in the present case on the basis of the secret information however, no independent witness has been joined. He submits that even otherwise, the alleged recovery made from the petitioner is 12.52 grams of heroin which is marginally above the small quantity. He submits that the provisions of Section 37 of the NDPS Act are not even attracted in the present case. He further submits that petitioner has no criminal antecedents. He submits that investigation in the present case has already been completed and thus, in the facts and circumstances of the case, petitioner deserves to be granted regular bail.

4. Learned State counsel has submitted that petitioner was duly named in the secret information and he was arrested on the spot wherein recovery of 12.52 grams of heroin was effected from him. He submits that the quantity recovered is above the small quantity which is non-commercial quantity. He further submits that the investigation is complete and challan is presented however, charges are yet to be framed. He, on instructions from SI Khushi Ram, has submitted that petitioner is not involved in any other case of the similar nature however, he is involved in one more FIR which is under Section 25 of the Arms Act.

5. After hearing counsel for the parties and perusing the record, it is deciphered that from the personal search of the petitioner, recovery of 12.52 grams of heroin was effected. Admittedly, the same is a non-commercial quantity and as per the Schedule, quantity upto 05 grams is of small quantity. Investigation in the present case is already complete. There is nothing on record to show that the petitioner is involved in any other case of the similar nature.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.12.2024
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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