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3. As per the case of the prosecution, 100 grams of heroin was recovered from the house of the petitioner along with Rs. 30,000/- and accordingly, the petitioner was arrested on 15.05.2023.

4. Admittedly, alleged recovery of contraband from the house of the petitioner does not fall within the purview of commercial quantity. Moreover, it will be apt to mention here that during the course of proceedings, following order was passed on 19.12.2023 granting interim bail to the petitioner:

“Contends that petitioner is in custody since 15.05.2023; after investigation, report under Section 173 Cr.P.C. has already been submitted. Further contends that now the matter is pending before learned trial Court for consideration of charges on 18.01.2024 and there is no other criminal case pending against him.

Learned State counsel seeks time to verify the above factual position.

Posted for 26.02.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

5. As discussed above the petitioner has already furnished the bail bonds before the learned trial Court in pursuance to the order dated 19.12.2023 and there is nothing to suggest that he is likely to misuse the concession of bail or to hamper the proceedings in any manner in the case. In these circumstances, no purpose would be served by sending the petitioner in custody again. As a consequence, the interim bail granted to the petitioner vide order dated 19.12.2023 is hereby made absolute subject



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to the condition that the petitioner will regularly appear before the learned trial Court on each and every date of hearing without seeking any unnecessary adjournments; shall not tamper with the evidence; shall not leave the country without seeking prior permission.

- 6. The petition stands allowed.
- 7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

26.03.2025
kanika

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |