
(2001) 12 P&H CK 0026

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 19777-M of 2001

Chhote Lal @ Baba Chhail Bihari Sharan

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 18-12-2001

Acts Referred:

Citation : (2002) 2 AICLR 347 : (2002) 2 RCR(Criminal) 24

Hon'ble Judges : M.L.Singhal, J

**Advocate : Shri Namit Sharma, Advocate. Shri Sudhir Nehra, AAG, Haryana.,
Advocates for appearing Parties**

Judgement

M.L. Singhal, J.

1. Heard. According to the prosecution, 250 grams of charas was recovered from the possession of the accused on 15.3.2001.

2. Learned counsel for the petitioner submits that the recovery of the charas weighing 250 grams is not "commercial quantity" because as per notification dated 19.10.2001 published in the Gazette of India, charas weighing 1 kg. or more will be "commercial quantity". The provisions of section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 will not apply as these lay down that before grant of bail, the court has to be satisfied that the accused has not committed the offence and further if released on bail, he will not indulge in the commission of that offence. He submits that the grant of bail in such cases would be governed by the provisions of Section 439 of the Code of Criminal Procedure. He further submits that the trial will take a long time and it would be unjust to keep the accused in custody in such circumstances.

3. Looking to the facts and circumstances of the case, I allow bail to the petitioner which shall be to the satisfaction of Chief Judicial Magistrate, Panipat.