

(2021) 02 P&H CK 0391

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 7390 Of 2021

Dharmender Kumar @ Dabbu

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 22-02-2021

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 17b

Citation : (2021) 02 P&H CK 0391

Hon'ble Judges : Avneesh Jhingan, J

Bench : Single Bench

Advocate : Sushil Kumar Verma, Deepak Bhardwaj

Final Decision : Allowed

Judgement

Avneesh Jhingan, J

This petition is for regular bail in FIR No. 404, dated 29th November, 2020, under Section 17-b of The Narcotic Drugs and Psychotropic Substances

Act, 1985 (NDPS) registered at Police Station Sadar Dabwali, District Sirsa.

A naka was set up on 29th November, 2020. During checking an Alto Car bearing registration No. HR-26-J-2170 driven by Dharmender Kumar @

Dabbu (petitioner), was stopped. On search of car one KG opium was recovered from a transparent polythene bag, lying under the driver's seat.

Learned counsel for the petitioner submits that the recovery is intermediate quantity. The petitioner is behind the bars since 29th November, 2020, no

recovery is to be made and no other case of similar nature is pending against him.

Learned State counsel opposes the prayer for grant of bail and submits that the recovery was not of a small quantity. However, he on instructions

from ASI Ishwar Singh, fairly submits that the petitioner is not involved in any other case under the NDPS Act.

Recovery made from the petitioner is not of commercial quantity; investigation is complete; no recovery is to be made; challan has been presented and

the trial is likely to take time, in such circumstances, it would not be appropriate to deny the petitioner of his personal liberty.

The petitioner is granted bail subject to his furnishing surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.