

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.41660 of 2015 (O&M)
Date of Decision: 29.01.2016**

Deepak

..... Petitioner
Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sukhdeep Parmar, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by A.S.I. Rajesh Kumar.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.591 dated 13.07.2015 for the offences punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Model Town, District Panipat.

There is alleged recovery of 5 Kgs. of *Ganja* from the possession of the petitioner, which is concededly non-commercial in nature.

Learned Counsel for the petitioner submits that since the seized quantity is non-commercial in nature, the bar provided under Section 37 of the NDPS Act is not applicable. He further submits that the petitioner is in custody since 13.07.2015 and after filing of the challan, one prosecution witness has been examined.

Learned State Counsel, assisted by ASI Rajesh Kumar, does not refute the aforesaid factual position, however, states that the petitioner is involved in four other cases relating to petty crimes but not under the NDPS Act.

Without commenting on the merits of the case, keeping in view the custody period and the fact that the challan has been presented and the trial is not likely to be concluded in near future, therefore, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Panipat.

Disposed of.

January 29, 2016

Gagan

**(JASWANT SINGH)
JUDGE**