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PUNJAB AND HARYANA HIGH COURT

Before: Anupinder Singh Grewal, J.

CRM-M No. 42848 of 2020

Decided on: 18.12.2020

Devi Ram @ Dev

Petitioner

Versus

State of Haryana

Respondent

Present:

Mr. Arpandeeep Narula, Advocate, for the petitioner.

Mr. Bhupender Singh, DAG, Haryana, for the respondent.

Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), Section 15 – Code of Criminal Procedure, 1973 (2 of 1974), Section 438 -- NDPS case – Anticipatory bail -- Recovery of poppy husk is non-commercial quantity -- No recovery effected from the petitioner and he is being arraigned as an accused on the statement of co-accused – Petitioner is not involved in any other case under the NDPS Act – Anticipatory bail granted.

(Para 6)

ANUPINDER SINGH GREWAL, J. (ORAL) –

1. Heard through video conferencing.

2. The petitioner is seeking anticipatory bail in FIR No. 404 dated 28.11.2020, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sirsa Sadar, District Sirsa.

3. Learned counsel for the petitioner contends that it is alleged in the FIR that 7 kilogram of poppy husk was recovered from co-accused, namely, Sunil Kumar. He also contends that the petitioner is being arraigned as an accused on the statement of co-accused. He further contends that the petitioner is not involved in any other case under the NDPS Act.

4. Issue notice to the respondent.

5. At the asking of the Court, Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of the respondent. He contends that in view of the gravity of the offence alleged to have been committed by the petitioner, he is not entitled to the concession of anticipatory bail.

6. Without expressing any opinion on the merits of the case and in view of the submissions of learned counsel for the petitioner, especially when the alleged recovery of poppy husk is non-commercial quantity, no recovery has been effected from the petitioner and he is being arraigned as an accused on the statement of co-accused and he is not involved in any other case under the NDPS Act, I deem it a fit case to grant the concession of anticipatory bail to the petitioner.

7. Therefore, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of

this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' – for short). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

8. The petition stands disposed of in the aforementioned terms.

Order accordingly.
