

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M No. 38648 of 2014

Date of decision : January 12, 2015

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Satish

.....Petitioner

Versus

State of Haryana

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. A.S Sullar, Advocate for the petitioner.

Mr. C.S Bakshi, Addl.A.G, Haryana.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

Present petition has been filed under Section 439 Cr.P.C seeking regular bail to the petitioner in case FIR No. 102 dated 27.4.2014 registered under Sections 20/25/27-A/29/85/161 of NDPS Act and 120-B IPC at Police Station Sector 55/56, District Gurgaon, Haryana.

On 27.4.2014, Sub Inspector Surender Singh along with other officials was present on patrolling duty at Genpact Chowk, DLF, Gurgaon, when a secret information was received that Satish son of Jagdish, Rajesh Kumar son of Prem Singh, Manoj Kumar Bihari son of Jasodhar were carrying huge quantity of narcotic drugs i.e 'Ganja

leaves' in truck of Satish bearing No. HR -63-A-1414. Rajesh Kumar was the driver of the said truck and Satish and Manoj had arranged money to buy the psychotropic drugs. They were loading the contraband in the truck and could be apprehended, if an immediate raid is conducted. On this information, they reached at the disclosed place and apprehended the accused on the basis of suspicion and after the compliance of provisions of Section 50 of the Act, they were searched and were found carrying 222 Kgs of contraband i.e 'Ganja'. Samples were taken out of the total quantity of 'Ganja'. Samples were sealed and sent to FSL. Case under NDPS Act was registered and accused Manoj Bihari, Rajesh Kumar and Kalu Bihari were formally taken in custody on 27.4.2014. On the basis of disclosure statement of accused Manoj Bihari, Rajesh Kumar and Kalu Bihari, accused Satish was arrested on 21.6.2014. On completion of investigation, final report under Section 173 Cr.P.C was prepared and presented in the Court.

Application of regular bail of the petitioner was declined by the Additional Sessions Judge, Gurgaon vide order dated 3.9.2014 on the ground that the petitioner had arranged money and truck for transporting the Ganja leaves weighing about 222 Kgs and has actively participated in the crime.

It is not in dispute that the truck in question belongs to the petitioner. Keeping in view that the recovery is of very high commercial quantity of contraband, no case for regular bail, at this stage is made out as out of twenty prosecution witnesses, only 4 has

been examined as informed by the learned State counsel.

Dismissed.

January 12, 2015
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(RITU BAHRI)
JUDGE