

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M-39713 of 2014(O&M)
Date of Decision: 04.02.2015**

Asha Devi and another

---Petitioners

versus

Narcotic Control Bureau, Chandigarh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.T.T.P.Singh, Advocate
for the petitioner**

**Mr. D.D.Sharma, Advocate
for the respondent**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioners pray for grant of regular bail in Crime case No. 13 dated 27.3.2014 registered by the Narcotic Control Bureau, Chandigarh for offence under Sections 8, 20, 29, 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “the Act”).

Counsel for the petitioners has contended that as per seizure memo (Panchnama)(Annexure P-1), alleged recovery of suspect material was effected from co-accused namely Ramesh Kumar, Guddu Ram and Suresh Kumar @ Neetu. The petitioners are the victims of their circumstances as the main accused wanted to hoodwink the police by

travelling with the petitioners to create an impression as if a family was travelling in the car intercepted by the members of Narcotic Bureau. The petitioners are in custody for the past more than 10 months and conclusion of trial is likely to take some time. There is no other criminal case much less under the Act registered against them. Both the petitioners have a family to look after and their children are suffering who are at the mercy of their co-villagers and old aged mother of the petitioners.

Another submission made by counsel is that Sachin Guleria, Intelligence Officer, Narcotic Bureau, Chandigarh committed a grave illegality by conducting personal search of the petitioners himself.

Counsel for the respondent has submitted that the petitioners were travelling in Maruti Car bearing No. PB-65-0030 which was intercepted on the basis of secret information that Suresh Kumar @ Neetu and his partner Guddu Ram are coming with heavy quantity of charas in the aforementioned car from Kulu (Himachal Pradesh) for going towards Haryana and Rajasthan with two ladies travelling with them and some of the charas is to be given to Ramesh Kumar resident of Sonapat who is expected to arrive in his Maruti Alto Car near Industrial Area, Phase-II near Tribune Chowk at about 10 A.M. Both the cars were intercepted by the raiding party headed by Sachin Guleria, Intelligence Officer, Narcotic Control Bureau, Chandigarh and charas weighing 7.200 kgs was recovered from both the vehicles. It is further argued that as the petitioners were travelling with accused Suresh Kumar @ Neetu and Guddu Ram in car bearing No. PB-65-0030 and heavy recovery of charas was effected from the accused, they are not entitled to be released on bail.

I have heard counsel for the parties and perused the records.

Panchnama (Seizure memo)(Annexure P-1) prepared on 27.3.2017 prima facie shows that the alleged recovery was made from accused Suresh Kumar @ Neetu, Guddu Ram and Ramesh Kumar. The petitioners are in custody since 27.3.2014. There is nothing on record to suggest that the present petitioners are related to other occupants of Maruti Car. There is no other criminal case much less under the Act Registered against them.

Keeping in view the aforesaid circumstances, bail to the petitioners subject to satisfaction of the trial court in case the prosecution fails to conclude its evidence within a period of 02 months without any fault attributable to the petitioners. In case, the petitioners are released on bail, the Court shall ensure that they furnish adequate security so that they may not become absent from the proceedings resulting in prolonging of case against other accused from whom the alleged recovery was effected. However, the petitioners shall remain bound by the following conditions:-

- (i) they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) they shall not leave India without previous permission of the Court.

(REKHA MITTAL)
JUDGE

04.02.2015

PARAMJIT