

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

**Date of decision:08.12.2015**

Lukman

.....Petitioner

v.

State of Haryana.

.....Respondent

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH**

Present:- Mr.Rajesh Lamba,Advocate for the petitioner

Mr.RK Doon,AAG Haryana

**Jaswant Singh,J.(Oral)**

Prayer is for grant of regular bail in case FIR no.203 dated 21.3.2015 under Sections 20/61/85 of the NDPS Act,PS Nuh.

The accused was arrested on recovery of 87.400 kilograms of *ganja* transported from Orissa to the State of Haryana found in an abandoned container truck bearing registration No. HR-55-K-8676 owned by one Narinder Mishra.

Name of the petitioner Lukman surfaced in the investigation on the disclosure statement of co-accused Tayyub that they had accompanied the container truck carrying contraband in a Bolero and guiding its course. The petitioner was accordingly arrested on 16.5.2015.

Learned counsel for the petitioner submits that except the disclosure statement of Tayyub,there is no evidence against the petitioner,apart from the question of even the admissibility of same

being a matter of trial. He further contends that even the said Tayyub, on the basis of investigation report dated 17.7.2015 and a supplementary report, has been discharged by the trial Court on 19.11.2015 and, therefore, there is no legally admissible evidence against the petitioner. The only allegation is that he knew various drivers coming from Orissa and therefore, acted as a facilitator. He further contends that there is neither any recovery nor any allegation of financing the smuggling of *ganja*, therefore, no offence under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is made out.

Learned State counsel has filed reply by way of affidavit of Satheesh Balan, IPS, SP Mewat which is taken on record. Further, learned State counsel on instructions from ASI Kanwal Pal and as also in view of the contents of the reply filed by SP, Mewat in the connected case is unable to refute the aforesaid factual position.

Without expressing anything on the merits of the case, this Court is of the opinion that the petitioner deserves the concession of bail. Accordingly, the the present petition is allowed and petitioner is directed to be released on bail subject to the satisfaction of CJM/Duty Magistrate, concerned.

08.12.2015.  
joshi

**(Jaswant Singh)**  
**Judge**