

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

**CRM No.M-8359 of 2015
Date of Decision: 19.03.2015**

Dharambir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HONBLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. B.S. Rana, Sr. Advocate with
 Mr. R.S. Arya, Advocate for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No.476 dated 31.10.2014 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act ('NDPS Act' for short) registered at Police Station City Rohtak.

Learned senior counsel for the petitioner submits that petitioner was not apprehended at the spot and he has been falsely implicated later on. He further submits that mandatory provisions of law had not been complied with and the petitioner is entitled for bail pending trial.

Notice of motion.

On the asking of the Court, Mr. Ashish Yadav, Addl. AG, Haryana accepts notice on behalf of the State.

Learned counsel for the State on instructions from ASI Ram Pal, Police Station City Rohtak, submits that petitioner has been found involved in 3 FIRs under the NDPS Act. He was already facing criminal trial in earlier two FIRs and the present one is the 3rd FIR in a row. He

further submits that petitioner is repeatedly indulging and committing the similar offences under the NDPS Act. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length and after careful perusal of the record of the case, this Court is of considered opinion that keeping in view the peculiar facts and circumstances of the case, present one is not a fit case for bail pending trial. It is so said because petitioner has been found involved in more than one FIRs under the NDPS Act itself. In the present FIR, recovery of 1.5 k.g. Charas has been effected from the petitioner, which is a commercial quantity. The report under Section 173 Cr.P.C. has already been presented and thereafter charge has also been framed against the petitioner.

In view of the above, no case for bail pending trial is made out.

Dismissed.

19.03.2015*Bhumika***(RAMESHWAR SINGH MALIK)
JUDGE**