

CRM-M-13438-2016

Date of Decision : 19.05.2016

Manoj Bihari

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. J.S. Khushwaha, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

M.M.S. BEDI, JUDGE (ORAL)

This is second petition for grant of regular bail in a case of recovery of 222 kgs of ganja from four bags being carried by four accused persons. The petitioner was allegedly driving the car from which ganja was recovered.

Learned counsel for the petitioner has submitted that there are several statutory lapses in the investigation which are reflected in the cross-examination of investigating officer. He has argued that there is violation of Section 42 of the NDPS Act, as the investigating officer has specifically admitted that the information had not been given by him to the higher authorities on receipt of the information from the informer. He has also submitted that admittedly, there is no independent witness in the present case. He has also referred to number of other statutory lapses.

I have heard learned counsel for the petitioner. With the assistance of State counsel, I have also gone through the police file.

The case is at the penultimate stage. Out of 20 witnesses,

17 have already been examined. Without going into the niceties of the trial, I deem it appropriate to dispose of this petition with a direction to the trial Court to conclude the trial within a period of three months by giving fair opportunity to the petitioner to produce defence evidence. Expression of any opinion on merits has been avoided which might prejudice the right of the petitioner or the prosecution.

All the pleas taken up in this petition may be taken before the trial Court at final stage to seek acquittal.

(M.M.S. BEDI)
JUDGE

19.05.2016
Neha