

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

**Criminal Misc. No. M-33866 of 2016
Date of Decision:-17.10.2016**

Sangharsh @ Kaka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rakesh Nagpal, Advocate
for the petitioner.

Mr. Vishal Garg, Additional A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.190 dated 27.7.2016, under Sections 15 of the NDPS Act (Offence under Section 27-A of the NDPS Act added later on), registered at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner contends that the alleged recovery of contraband i.e. 129 kilograms of poppy husk was never recovered from the possession of the petitioner. He states that the petitioner is in custody since 28.7.2016 and there is no other case against him.

Learned State counsel has filed the status report by way of affidavit of Ravinder Kumar, HPS, Deputy Superintendent of Police, Ellenabad. As per the status report, immediately after recovery of the

contraband from the other accused i.e. Balwant Singh and Gurmail Singh @ Bagga, they disclosed the name of petitioner Sangharsh @ Kaka and states that the petitioner has delivered the contraband to them.

I have heard learned counsel for the parties.

The recovery has not been effected from the personal possession of the petitioner and it is only on the basis of disclosure statement made by other accused Balwant Singh and Gurmail Singh @ Bagga, the name of the petitioner has been cropped up in the case. The trial in the case will take long time as the challan has also not been presented.

Accordingly, the petition is **accepted**. The petitioner is admitted on regular bail on furnishing of his bail bonds and surety bonds subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa.

It is made clear that in case the petitioner is found involved in such like activities again, the prosecution would be at liberty to seek cancellation of his bail.

The criminal miscellaneous is disposed of.

October 17, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No