

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

CRM-M-10041-2017 (O&M)

Date of Decision: 25.05.2017

Om Parkash Khatri

--Petitioner

Versus

Narcotic Control Bureau, New Delhi

--Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Pravesh Yadav, Advocate for the petitioner.

Mr. J.S. Lali, Sr. Panel counsel for NCB/respondent.

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TEJINDER SINGH DHINDSA, J.

This is the second petition preferred under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in Criminal Complaint No. NDPS 06/2015, dated 10.03.2015, under Sections 8/21/23/29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 filed before the learned Additional Sessions Judge, Sonapat.

Counsel for the parties have been heard at length.

Prosecution version in brief is that on 12.09.2014 on the basis of secret information, a raid was conducted at Anant Cold Storage, Kundli, Sonapat and one consignment of raisins (kishmish) was examined. The same was found to have concealed packets of heroin weighing 30 kilograms and 400 grams. Three accused, namely, Baz Mohamad, Dilip Ramnani and Kishore Khatri were apprehended on the spot as they had reached there to receive the consignment.

Counsel for the petitioner has vehemently contended that the present petitioner was not even present at the time of alleged raid and as

such no recovery has been effected from him. It has also been argued that the petitioner is sought to be implicated in the present case only on the basis of disclosure statement made by co-accused and confessional statement of the petitioner after having been arrested. Counsel submits that the petitioner has been in custody since 11.09.2014 and keeping in view the length of incarceration itself, he is held entitled to the benefit of bail.

Mr. J.S. Lali, Advocate has appeared for the Narcotic Control Bureau, New Delhi and has vehemently opposed the present petition.

The contentions raised by counsel appearing for the petitioner and as aforenoticed have already been dealt with by this Court vide order dated 27.01.2016 passed in CRM-M-43664-2015 while declining benefit of bail. The same very reasoning would hold good even as of date to reject such contentions. The copy of the order dated 27.01.2016 declining the first petition filed by the petitioner before this Court under Section 439 Cr.P.C. stands appended as Annexure P-3 along with the present petition.

The only additional submission and change of circumstance cited by counsel to justify filing of the instant petition is that the trial has not made any headway and as such the petitioner cannot be confined in custody while denying him his right of a speedy trial.

Even such submission raised by counsel seeking regular bail is found to be misconceived. Counsel appearing for the Narcotic Control Bureau while opposing the present petition submits that the petitioner has moved an application under Section 319 Cr.P.C. to summon others to face trial as additional accused and now such application is pending adjudication. Such factual premise has not been rebutted by counsel for the petitioner.

In view of the circumstances noticed hereinabove, it would not lie in the mouth of the petitioner to complain in relation to the delay in trial proceedings.

That apart, in the present case, the allegations are very serious in nature i.e. of drug trafficking. The alleged recovery is 30 kilograms of heroin approximately. Allegations against the present petitioner are of being involved as a member of an international drug smuggling racket. He is none other than the father of co-accused Kishore Khatri who was apprehended on the spot.

For the reasons recorded above, this Court is not inclined to extend in favour of the petitioner the concession of bail.

Petition is dismissed.

25.05.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |