

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-26251 of 2018
Date of Decision: 3.12.2018**

Deepak

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. U.K.Agnihotri, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

The present 2nd petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”) for grant of regular bail to the petitioner in case FIR No.257 dated 4.7.2017 registered for the offences punishable under Sections 15, 29 of Narcotic Drugs & Psychotropic Substance (for short, “NDPS”) at Police Station Kundli, District Sonapat.

Heard.

It is the case of the prosecution that 2140 kilogram of poppy husk loaded in truck bearing registration No.MP44-GA-1168 were recovered from its driver Suresh and other person was sitting besides the driver namely Mukesh. During the investigation, they disclosed that they hatched a conspiracy with the petitioner. Subsequently, the petitioner was arrested and only poppy seeds were recovered. After completion of

who framed charge sheet (Annexure P-10) against the petitioner for hatching a conspiracy to smuggle poppy husk which is as under : -

“I, Rajesh Sharma, Additional Sessions Judge, Sonipat do hereby charge you accused (Mukesh, Suresh, Dasrath, Deepak and Narender Tyagi) as under : -

Firstly: That on 04.07.2017 in the area of Police Station Kundli, all of you along with co-accused Mukesh son of Hanuman Parsad, Ravi, Sunil @ Topi and Bal Krishan Modi (who are absconding) agreed to do an illegal act of producing and transporting Chura Post (Poppy Straw) and thereby all of you committed an offence punishable under Section 15 of the NDPS Act read with Section 120-B IPC and within the cognizance of this Court.

Secondly, That on the above said date, time and place, in pursuance of the above said conspiracy, accused Mukesh and Suresh were found in conscious possession of 2140 KG of Chura post (poppy straw) without any permit or licence and all of you thereby committed an offence punishable under Section 15 of the NDPS Act read with Section 120-B IPC and within the cognizance of this Court.

Thirdly, That on the above said date, time and place, in pursuance of the said conspiracy, accused Dasrath cheated the public at large by dishonestly preparing fake Bilty in the name of Ganesh Goods Carrier Transport and all of you thereby committed an offence punishable under Section 420 IPC read with Section 120-B IPC and within the cognizance of this

Court.

Fourthly: That on the above said date, time and place, in pursuance of the said conspiracy accused Dasrath forged certain documents, purported to be a valuable security, namely, billty etc. and all of you thereby committed an offence punishable under Section 467 IPC read with Section 120-B IPC and within the cognizance of this Court.

Fifthly: That on the above said date, time and place, in pursuance of the said conspiracy accused Dasrath forged certain documents, i.e. Billty etc. intending that it shall be used for the purpose of cheating and all of you thereby committed an offence punishable under Section 468 IPC read with Section 120-B IPC and within the cognizance of this Court.

Sixthly: That on the above said date, time and place, in pursuance of the said conspiracy accused Dasrath fraudulently used as genuine certain documents, namely, billty etc. which the accused knew at the time when used it to be a forged document and all of you thereby committed an offence punishable under Section 471 IPC read with Section 120-B IPC and within the cognizance of this Court.

Seventhly: That on the above said date, time and place, in pursuance of the said conspiracy, co-accused Mukesh gave 50 KG Chura Post (Poppy Straw) to accused Narender Tyagi for being sold to public persons and all of you thereby committed an offence punishable under Section 20 of the N.D.P.S. Act read with Section 120-B IPC and within the cognizance of this

Court.

And I hereby direct that you be tried by this Court for the aforesaid offences.”

The allegations have been levelled against the petitioner that he was also a party to the conspiracy. Trial is in progress and material witnesses have been examined.

Keeping in view the above, this Court is of the view that no case is made out to grant regular bail to the petitioner and accordingly, the present petition is dismissed. However, trial Court is directed to expedite the trial and conclude it as early as possible preferably within a period of 6 months.

December 3, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No