

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2856-2018 (O&M)
Date of Decision: 22.02.2018

Mubarik @ Mubba

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. M.D. Khan, Advocate for the petitioner.

Mr. Amrik Narwal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner seeks the benefit of regular bail in case F.I.R. No.749 dated 24.8.2017 under section 15 of N.D.P.S Act, registered at Police Station, Jhajjar.

Counsel would vehemently argue that co-accused Mustafa, who was also sitting on the passenger seat of the offending vehicle wherefrom alleged recovery of 162 kgs 800 grams of poppy straw had been effected, has been granted benefit of bail by the Trial Court vide order dated 22.12.2017 (Annexure P-3).

Having heard counsel for the parties at length, this Court is not inclined to extend in favour of the petitioner the benefit of bail.

There is a recovery of 162 kgs 800 grams of poppy straw from a truck bearing registration no.UK04-CA-9293. As per prosecution version petitioner was the driver of the offending vehicle and was apprehended on the spot.

Even though, co-accused Mustafa has been granted benefit of bail, perusal of the order passed by learned Special Judge, Jhajjar dated 22.12.2017 would reveal that such concession has been granted by taking

his case to be at par with co-accused Sehjad and who has in turn been enlarged on bail by this Court.

The uncontroverted position is that co-accused Sehjad was not apprehended on the spot and was rather implicated on the statement of co-accused. Apparently the benefit of bail granted to Mustafa is on factually incorrect premise as there was no parity between him and Sehjad.

In the light of the alleged heavy and commercial quantity, prayer for bail is declined.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

22.02.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No