

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

CRM-M-37937-2018 (O&M)

Date of Decision:-.11.9.2018

Karambir @ Nakli

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.

The petitioner Karambir @ Nakli seeks grant of bail in respect of a case registered against him vide FIR No.128 dated 9.7.2012 under Sections 15, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Uchana, District Jind.

The FIR in question was lodged pursuant to receipt of a secret information by the police to the effect that Karambir @ Nakli (petitioner) is into the business of selling 'poppy husk' and that in case a raid is conducted, he can be apprehended red-handed along with heavy quantity of 'poppy husk'. Pursuant to receipt of said information, a raid was conducted in the house of the petitioner from where 12 gunny bags and 2 plastic bags were recovered. Out of the aforesaid bags, 11 gunny bags and 2 plastic bags were found to contain 'poppy husk' while one gunny bag was found to contain 'crushed poppy heads'. The bags containing 'poppy husk' were found to be weighing 35 kg. each. The bag containing 'crushed poppy heads' was found

to weigh 27 kg. Thus, the total 'poppy husk' recovered was 455 kg apart from 27 kg of 'poppy heads' (doda post).

The police was unable to arrest the accused for about 6 years and who was consequently declared a proclaimed offender on 6.3.2013. It was on 17.4.2018 that the petitioner was arrested, who is now seeking grant of bail.

Notice of this petition was issued to the State. Learned State counsel is opposing the petition.

The learned counsel for the petitioner has submitted that he has been falsely implicated in the present case and that even on earlier occasions, he had been falsely implicated but stands acquitted. Learned counsel for the petitioner further submitted that the petitioner cannot be attributed conscious possession as he has not been residing in the village since the last about 10 years and has been implicated falsely.

On the other hand, the learned State counsel has submitted that the petitioner is a habitual offender and has remained involved in several identical cases and does not deserve concession of bail.

Having considered the rival submissions, I find that the present case, being a case of recovery of 455 kg of 'poppy husk' and 27 kg of 'crushed poppy heads', would fall within the category of commercial quantity. The conduct of the petitioner in having remained absconding for a good six years can hardly be appreciated. Further, the fact that the petitioner has remained involved in a large number of cases, although acquitted in some, reflects on the antecedents of the petitioner. One case pertaining to recovery of 'poppy husk' was registered on 30th January, 2018, which indicates that the petitioner is a habitual offender. In case, he is released on

bail, it certainly cannot be said that he would not indulge in identical offences or would not flee from justice since he had earlier remained a proclaimed offender for six years.

As such, I do not find any merit in the petition and the same is hereby dismissed.

11.9.2018
kamal

(Gurvinder Singh Gill)
Judge

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