

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.47616 of 2017
Date of Decision-03.04.2018

Hukmi Chand @ Madu ... Petitioner
Versus
State of Haryana ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajiv Panghal, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.62 dated 21.05.2017 registered under Sections 15/61/85 of NDPS Act (challaned under Sections 15/25/27-A/29/61/85 of NDPS Act and Section 201 IPC) at Police Station Behal District Bhiwani.

[2]. FIR was registered on the basis of secret information when police party was on patrolling. The allegations were made against Krishan, his wife Roshni, his son Jitender and niece Vikas daughter of Mahabir whose husband is lodged in Sirsa jail in NDPS case and 3-4 other fellow members who had brought *chura post* on previous night from Rajasthan in a vehicle. The contraband was stocked in a room. Raid was conducted. At that time, two ladies and one young boy were standing at the gate of the house. On seeing the police party, they ran away by taking benefit of darkness towards Dhanis through Tibba land. When the

police entered the house with the help of other companions, a person was found sitting on a cot near the room. He disclosed his name as Krishan. After complying with the requirement of the Act, search of the house was conducted and 79 bags were found containing poppy straw. On being weighed by electronic weighing machine, 39 bags of black colour were found containing 20 kgs of poppy straw in each bag, 10 small bags of red colour were found containing 10 kgs of poppy straw in each bag, 5 bags of black colour were found containing 30 kgs of poppy straw in each bag, 1 white bag was found containing 15 kgs of poppy straw, 9 bags of yellow colour were found containing 20 kgs of *chura post* in each bag and 5 bags of red colour were found containing 20 kgs of poppy husk in each bag which were lying in various packets in red colour bags. Out of total 79 bags, 2-2 samples of 500 grams of poppy straw i.e. 158 parcels were prepared. Total weight of samples was 79 kgs. Remaining poppy husk and poppy straw were found to be 14 quintals and 5 kgs and the same were taken in police custody.

[3]. Earlier the petitioner filed CRM-M No.37361 of 2017 for grant of regular bail and the same was dismissed vide order dated 10.10.2017 on merits after noticing that FIR was registered on account of recovery of 1505 kgs of *chura post* from the house of co-accused Krishan. Co-accused namely Anil and Kanwar Pal have named the petitioner in the case. On finding involvement of the petitioner in huge quantity of contraband, the regular bail was

dismissed. No change in the circumstance can be noticed except to note that Vikram @ Dhillu was granted bail under Section 167(2) Cr.PC by this Court vide order dated 17.02.2018 passed in CRR No.4855 of 2017. No such exception is made out in favour of the petitioner.

[4]. In view of above, without meaning anything on the merits of the case and in view of Section 37 of the Act, no ground for grant of regular bail to the petitioner is made out. The present petition is accordingly dismissed.

[5]. Nothing expressed hereinabove would be construed to be an expression of any opinion on the merits of the case.

(RAJ MOHAN SINGH)
JUDGE

03.04.2018

Prince

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No