

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5430-2018

Date of decision:- 09.03.2018

Sunil Kumar @ Bhuriya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.88 dated 19.04.2016, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner contended that the petitioner has been implicated in a false case. It is further contended that no independent witness was joined by the Investigating Officer. It is further contended that the petitioner is in custody since 19.04.2016 and the charges were framed way back on 24.08.2016 and out of total eleven witnesses, only five witnesses have been examined so far.

On the other hand, learned State counsel has stated that quantity of the contraband recovered from the petitioner being 12 bottles of CORREX, he is not entitled to concession of bail. Further, he has placed on record the custody certificate and perusal of the same reveals that the petitioner has also been convicted in two other cases.

Heard learned counsel for the parties and perused the record.

Precisely, the accusation against the petitioner is that on 19.04.2016, a police party headed by ASI Ram Singh was present nearby temple of Baba Ramdev Ji and patrolling in that area. In the meantime, petitioner-accused came from the side of Balmiki Chowk, Mandi Dabwali, while holding a plastic bag of white colour in his right and on seeing the police party, he turned back and started walking briskly. On the basis of suspicion, the petitioner was apprehended. After completing all the statutory formalities, bag of the accused was searched by the Investigating Officer and during search, 12 bottles of CORREX were recovered from his possession. After following the due procedure, the samples were stated to have been separately sealed and taken into possession.

In view of the fact that commercial quantity of drugs and psychotropic substances in question were recovered from the possession of the petitioner, fully attracts the bar to grant bail, as contemplated under Section 37 of the NDPS Act, therefore, he is not entitled to the concession of regular bail. Hence, the present petition is hereby dismissed.

However, learned trial Court is directed to expedite the trial and conclude the same within a period of six months from the date of receipt of certified copy of this order.

March 09, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes