

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-3013-2019 (O&M)

Date of Decision:- 12.7.2019

Krishan

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-6639-2019 (O&M)

Ravinder @ Bhola

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sushil Sheoran, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioner Krishan and Ravinder @ Bhola, have approached this Court seeking grant of regular bail in respect of a case registered against them vide FIR No.571, dated 5.9.2018, registered at Police Station City, District Bhiwani, under Section 20 of NDPS Act.

2. The FIR was lodged on the basis of secret information received to the effect that Krishan has been indulging in sale of narcotics since long and that he had gone to procure narcotics on a red coloured motorcycle bearing temporary registration number. Pursuant to receipt of aforesaid information, the same was recorded in terms of provision of Section 42 of the NDPS Act and notice was sent to the police station. During the course of checking, a boy riding a red coloured motorcycle was apprehended and who upon inquiry disclosed his name as Krishan and was also identified by the secret informer. In terms of Section 50 NDPS Act, an option of getting his search effected before the Magistrate or a Gazetted Officer was extended and said Krishan opted to be searched in presence of the Gazetted Officer. DSP Jagat Singh was called at the spot and in his presence the polythene bag carried by Krishan was searched which yielded recovery of 2 kgs of 'Charas'.
3. It is further the case of prosecution that during the course of interrogation, Krishan disclosed that he had procured the said contraband from Ravinder @ Bhola for an amount of ₹ 34,000/-. Pursuant to the aforesaid disclosure statement, said Ravinder @ Bhola, who was already in custody in another case bearing FIR No.577 of 2018, was arrested on 6.9.2018 and who admitted that he had been procuring narcotics from Uttar Pradesh and had sold 2 kgs of 'Charas' to Krishan on 5.9.2018.
4. Learned counsel for petitioner Krishan has submitted that he has falsely been implicated in the present case and that since there is no

reliable independent witness to corroborate the version of the police officials, the petitioner deserves the concession of bail.

5. Learned counsel for petitioner Ravinder @ Bhola has submitted that the present petitioner was never arrested at the spot and has been nominated as an accused on the basis of an alleged disclosure statement made by co-accused Krishan during the course of his interrogation and since such disclosure statement of co-accused is a very weak type of evidence, the petitioner deserves to be released on bail.
6. Opposing the petition(s), learned State counsel has submitted that no case for grant of bail is made out since the contraband recovered from petitioner Krishan falls in the “Commercial Quantity”.
7. I have considered rival submissions addressed before this Court. As far as petitioner Krishan is concerned, since he was arrested at the spot along with 2 kgs of ‘Charas’, which falls in the category of “Commercial Quantity” and there is nothing to suggest that he has been falsely implicated or if released on bail, he would not commit the offence again, in my opinion, no case for grant of bail is made out qua petitioner Krishan (CRM-M-3013-2019).
8. As far as the petition filed on behalf of Ravinder @ Bhola is concerned, his case is slightly on a different footing inasmuch as he was never arrested at the spot and has been nominated on the basis of a disclosure statement made by co-accused, the veracity and admissibility of which is yet to be tested during the course of trial. The petition (CRM-M-6639-2019) filed on behalf of petitioner-

Ravinder @ Bhola, as such, is accepted and he is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Consequently, while petition bearing No. CRM-M-3013-2019, filed on behalf of Krishan is dismissed and petition bearing No. CRM-M-6639-2019, filed on behalf of Ravinder @ Bhola is allowed.

July 12, 2019
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(GURVINDER SINGH GILL)
JUDGE

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