

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

**CRM-M-4501-2019 (O&M)  
Date of Decision: 03.04.2019**

**Rajesh Kumar**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Kanwar Satbir Singh, Advocate  
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

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**HARINDER SINGH SIDHU, J.**

This petition has been filed under Section 439 CrPC seeking regular bail in case FIR No.366 dated 29.6.2018 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Safidon, District Jind.

Allegations in the FIR are that secret information was received that Rajesh Kumar s/o Ramdhari (petitioner) and Gurpreet @ Gopi s/o Jagira were engaged in selling poppy husk. They were coming from Panipat towards Safidon in red colour Swift car No.DL 4 CAV 3812.

On this information naka was laid. The Swift car was intercepted.

Gurpreet @ Gopi was found driving the car. The petitioner was sitting on the side. 86 Kg of poppy husk was recovered from nine bags in the boot of the car. Both the accused were apprehended at the spot.

Ld. Counsel for the petitioner has argued that the petitioner was only a chance passenger in the car. He has no concern with the said poppy husk. He further argued that in the report under Section 173 CrPC filed in the case it has been stated that it was Gurpreet @ Gopi who had purchased the poppy husk.

At this stage, it is difficult to opine regarding the non-involvement of the petitioner. The secret information had named both Gurpreet @ Gopi and the petitioner as being involved in the illegal sale of poppy husk. The petitioner was travelling in the car from which the poppy husk was recovered. The challan has been filed against both the accused. Merely because as per the challan the contraband is said to have been purchased by the other accused does not absolve the petitioner of the offence alleged.

The recovery is of commercial quantity.

No ground to grant bail to the petitioner is made out.

Petition dismissed.

April 03, 2019

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( **HARINDER SINGH SIDHU** )  
**JUDGE**

|                             |          |
|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |