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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39252-2018

Date of Decision : May 14, 2019

Aash Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Perdhuman Yadav, Advocate,
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana,
for respondent-State .

SHEKHER DHAWAN, J.

Present petition under Section 439 of the Code of Criminal Procedure is for grant of regular bail in case bearing FIR No. 59 dated 3.2.2018 under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "**the Act**") registered at Police Station Kalanaur, District Rohtak.

2. Learned counsel for the petitioner submitted the petitioner was merely a driver on vehicle No. UP-52E-9174 from which the contraband was allegedly recovered. Three persons were travelling in the said vehicle and the petitioner was not having conscious possession of the contraband. If the alleged recovery of 92 Kg 500 grams of *charas* is divided into three persons individually, the same does not come within the parameters of "commercial quantity". The petitioner is in custody since

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3.2.2018 and no useful purpose would be served by detaining the petitioner in custody. So, the petitioner be released on bail in this case.

3. Learned State counsel opposed the bail application on the ground that the recovery of contraband in this case is of “commercial quantity”. The trail of the case is at the fag end. So, the petitioner does not deserve the concession of bail in this case.

4. Having considered the submissions made by learned counsel for the parties and appraisal of record of this case file and keeping in view the heavy recovery of 92 Kgs and 500 gms. of *charas*, i.e. “commercial quantity” from the vehicle being driven by the petitioner, this Court is of the considered view that the petitioner does not deserve the concession of bail in this case. The present petition is without any merit and the same stands dismissed.

5. However, learned trial Court is directed to complete the trial of this case within a period of six months. A copy of this order be sent to learned trial Court for compliance.

(SHEKHER DHAWAN)
JUDGE

May 14, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes