

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38709 of 2017

Date of Decision: March 15, 2019.

Manohar Kumar @ Kaka and anotherPetitioners

versus

State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr.R.P.S.Boparai, Advocate, for
Mr.D.S.Virk, Advocate, for the petitioners.
Mr.Ashok Singh Choudhary, Additional AG, Haryana.

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Gurvinder Singh Gill, J. (Oral)

The petitioners approached this Court seeking grant of regular bail in case registered against them vide FIR No.134 dated 31.05.2017 under Section 21-C of NDPS Act, Police Station City Dabwali, District Sirsa.

As per the allegations made in the FIR, on 31.05.2017, when police party headed by ASI Jagdish Raj, CIA Staff, Dabwali, was on patrolling duty and was proceeding from Dabwali to Chautala, then a Maruti Car bearing registration No.HR-26-R-3618 was seen parked whose cabin light was switched on and two persons were sitting on the rear seat. When police party went near the car, the occupants tried to get out of the car but were nabbed by the policy party. On enquiry, they disclosed their names as

Manohar Kumar @ Kaka and Jagjit @ Laddu. On checking the rear seat of the vehicle a number of bottles were lying scattered on the floor of the vehicle labelled as Onerex Codeine Phosphate-2 and Tripralidne Hydrochloride. A yellow coloured plastic bag was also lying which also contained bottles. The total number of bottles so recovered were 45. The said persons, however, disclosed that the said bottles have been supplied to them by Jinder Singh @ Rs.200/- per bottle and who had just left that place on motorcycle and was carrying more such bottles. Pursuant to the aforesaid disclosure, the aforesaid Jinder Singh was chased and apprehended and from him 15 bottles were recovered. Each of the bottle was containing 100 ml of the contents.

Learned counsel for the petitioners has submitted that the petitioners were earlier granted interim bail and that the co-accused of the petitioners, namely, Jinder Singh had also been granted bail by this Court vide order dated 07.03.2018. He further submits that since the petitioners remained in custody for five months, they also deserve concession of bail.

Opposing the bail petition, learned State counsel submitted that co-accused Jinder Singh was granted bail at the time when report of FSL had not been received, whereas now report of FSL has been received on 03.07.2018. Learned State counsel further submitted that as per the FSL report, the contents of both the samples contained Codeine & Triprolidine and that since the petitioners could not justify their possession of the aforesaid contraband, no case for grant of regular bail to them is made out.

Having considered the rival submissions and the fact that the quantity of aforesaid contrabands recovered from the petitioners falls in “commercial quantity” which would attract fetters imposed by Section 37 of

the NDPS Act, this Court does not find any ground for release of petitioners on bail. There is no merit in this petition and the same is hereby dismissed.

March 15, 2019

mohinder

(GURVINDER SINGH GILL)

JUDGE

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