

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

224

CRM-M-43547-2019(O & M)
Date of Decision:18.10.2019

Rohtas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.S. Virk, Advocate for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.245 dated 24.09.2018, under Sections 15 and 16 of the NDPS Act, 1985, registered at Police Station Ellenabad, District Sirsa.

The prosecution case is that the police party received a secret information that Raju, Balwinder @ Fauji and Rohtas (petitioner) are doing the business of smuggling of poppy husk and they will come from Rajasthan to Ellenabad with poppy husk. Thereafter, the police set up a check post (naka) and upon checking Raju was apprehended and six plastic bags having 12 kgs. each of poppy husk were recovered from him.

Learned counsel for the petitioner contends that the recovery of alleged contraband weighing 72 kg. poppy husk was effected from co-accused Raju, which was being carried in a vehicle truck No.RJ-49GA-1028 being driven by him. He further submits that it was on the statement of said

co-accused, petitioner was indicted as an accused on the ground that the said contraband was purchased from one Sham Lal and the petitioner had also share in this. According to him, the said statement may not be admissible in evidence. He further contends that previously concession of anticipatory bail was extended to him only till the filing of the FSL report and the said concession was never misused till 03.10.2019 i.e. when petitioner was taken into custody upon filing of the final report.

On the other hand, learned State counsel assisted by HC Narender has opposed the bail application. However, it is not disputed that the recovery was effected from co-accused Raju and the petitioner was not present at the spot when the said recovery was effected.

After hearing learned counsel for the parties, this Court finds that the further custody of the petitioner may not be necessary, as the trial is likely to consume considerable time. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

18.10.2019

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(MANOJ BAJAJ)

JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No