

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

CRM-M-9946-2020

Date of decision: **3.9.2020**

VINOD

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Jainainder Saini, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.173 dated 24.6.2019 under Sections 15 & 27-A NDPS Act at Police Station Uklana, District Hissar.
2. It is is case of prosecution that while the police party was patrolling and was present at Bus Stand, Gaibipur on 24.6.2019, a secret information was received to the effect that Vinod Kumar (petitioner) indulges in trafficking of narcotics substance and that on the said day he had brought huge quantity of poppy-straw and had kept it concealed near 'Jowar'

fields situated at village Budha Khera and was planning to sell the same. Pursuant to receipt of said information a raid was conducted at the nominated place where the petitioner was seen sitting along with bags but upon noticing the police party he managed to escape. The bags recovered from the spot were found to contain poppy-buds weighing 146 kilograms apart from poppy husk weighing 8.800 kilograms.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present and was never apprehended at the spot.
4. Opposing the petition, learned State counsel has stated that since there was specific information by name against the petitioner which stands substantiated from the recovery of 'poppy husk' at the nominated place, no case for grant of bail is made out. It is also informed by the learned State counsel that the petitioner also happens to be involved in two other cases registered under the Excise Act. Learned State counsel has however informed that the petitioner has been behind bars since the last more than 1 years and 2 months and that as on date 3 PWs out of the cited 13 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner was never apprehended at the spot and has been behind bars since the last more than 1 year, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time as only 3 PWs out of cited 13 PWs have been examined. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety

bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

3.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No