

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

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**CRM-M-20390-2020 (O&M)
Date of Order:18.09.2020**

Sanjay

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parveen Sharma, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

Mr. Rajiv Sharma, Advocate,
for the Narcotics Control Bureau.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal complaint case/Crime case No.VIII/06/DZU/2019 dated 09.09.2019, titled as Narcotics Control Bureau vs. Sahil and others, filed under Section 8(C)/21(C)/23(C)/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, pending in the Court of ASJ-cum-ADJ, Sonapat (inadvertently in order dated 08.06.2020, number of complaint has been wrongly mentioned as VII/06/DZU/2019 instead of VIII/06/DZU/2019).

It is the case of the prosecution that on an information received from UK Border Crime Agency, investigation of the case was started and it was found that a syndicate is involved in the illegal import and possession of contraband through parcel/post. On the basis of aforesaid input, 350 grams cocaine was recovered from a parcel. The Consignee of the aforesaid parcel

is accused Sahil. It was received at Post Office Gohana for delivery. It has been stated in paragraph 9, of the reply that the petitioner in partnership with Charas (Citizen of Nigeria) started this business of importing narcotics through parcels. Paragraph 9 of the reply is extracted as under:-

“The accused Paresh during his statement recorded under Section 67 of NDPS Act 1985, further revealed that his younger brother Arvind was indulge into drug business, selling Cocaine and Charas in partnership with one Sanjay and he used to carry drugs for Arvind. He further disclosed that on 13.03.2019 Arvind had directed him to go to Gohana by-pass and collect a parcel containing Cocaine from one person named Saurabh which was to be further delivered to one Sanjay in Delhi. Arvind further directed him to collect payment from Sanjay. For this reason he went to the spot in Hyundai Xcent Prime bearing Registration number HR 99 XL (temp) 4316 which belonged to one Vishal Yadav. He further stated that when he reached at the spot he saw a person standing at the given spot with parcel, whom he confirmed his name as Saurabh. He then pulled the left window down and received the parcel (dummy) and at that point of time when the NCB team asked him to get out of the vehicle he tried to flee from the spot. However, he was chased and apprehended with the vehicle. When he was asked the reason he was trying to flee he replied that if he would have been caught with Cocaine he would have been punished under law that is why he tried to flee from the spot. He further disclosed that he was directed by his brother Arvind to collect the seized 350 g Cocaine and to deliver the same to Sanjay who lives in RZ Block, Sagarpur, New Delhi. He further stated that, Sanjay is his relative (Uncle, Sanjay's father is his maternal grandfather, who is retired from Delhi Police). He further disclosed that his uncle Sanjay and brother Arvind are indulged in drug business and have links with Nigerians and he was promised Rs 20,000 for the successful delivery of the seized parcel. He further disclosed that his mobile numbers are 9818813958 and 7065985967 and that of Arvind are 7470522264 and 8053843036 and Sanjay is 860131225. He further tendered the papers of the vehicle seized however denied any knowledge of whereabouts of Arvind. From the statement it is evident that Parvesh had knowingly went to the pre decided spot to collect the parcel containing Cocaine as per the directions of his brother Arvind and was knowingly indulged in drug crime activities.”

Learned counsel for the petitioner contends that there is no recovery from the petitioner and the petitioner was not made accused in the complaint. He further submits that the petitioner is sought to be implicated on the statement of Charas, a co-accused which is not admissible in evidence.

On the other hand, Sh. Rajiv Sharma, Advocate, who appears for Narcotics Control Bureau, has stated that in a supplementary statement, the petitioner was added as an accused. He further pointed out that Arvind, one of the accused is still absconding. He further pointed out that the petitioner along with others, are indulged in drug trafficking of international ramifications. It is only because of the intelligence received from UK Border Crime Agency that the Narcotics Control Bureau could crack such a case. He further submitted that all the accused are part of an international syndicate, who are involved in drugs trafficking.

Keeping in view the aforesaid submissions of learned counsel for the parties and without commenting on the merits, this court is not inclined to grant the concession of bail to the petitioner.

Dismissed.

September 18, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No