

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

CRM-M-21024-2020

Date of Decision: 19.11.2020

Rajesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mrs. Justice Archana Puri

Present : Mr. Chanderhas Yadav, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana
for the respondent-State.

ARCHANA PURI, J.(Oral)

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

This is second petition under section 439 of the Cr.P.C. for grant of regular bail filed by the petitioner in FIR No. 0647 dated 10.10.2018 registered at Police Station City Bahadurgarh, District Jhajjar, under Sections 20 and 29-A of NDPS Act.

Notice of motion.

Ms. Harpreet Kaur, AAG, Haryana accepts notice on behalf of the respondent-State.

Heard on the petition.

As per the version of prosecution, on 10.10.2018, during the course of Nakabandi a vehicle was coming from Jhajjar side, which was intercepted and the driver of the car, disclosed his name as 'Rajesh' son of

Manphool Yadav and on checking of the said vehicle, 5 gunny bags of plastic were recovered, which contained *ganja*. The driver of the vehicle failed to produce any licence or permit for carrying ganja. The bags were found to be containing 100 kgs of ganja.

Now it is submitted by the learned counsel for the petitioner that he has been falsely implicated at the instance of the owner of the car in question and the petitioner had no concern with the alleged recovery. It is also submitted that trial is going at a very slow pace, due to COVID-19 pandemic. As such, a prayer has been made for grant of bail.

The extent of recovery effected in the present case falls in the category of commercial quantity. As such, rigors of Section 37 NDPS Act are attracted. Even the State counsel opposes the same as she submits that there are no reasonable grounds for believing at this stage, that the petitioner is not guilty of such offence and that he is not likely to commit the same offence while on bail. Considering the same, at this stage, no case is made out for grant of bail to the petitioner.

Hence, the present petition is hereby dismissed.

(ARCHANA PURI)
JUDGE

19.11.2020

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No