

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-22894-2019 (O&M)
Date of Decision:-9.1.2020

Raj Kumar

... Petitioner

Versus

Narcotics Control Bureau, Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Pal Kaushal, Advocate for the petitioner.

Mr. D.D. Sharma, Advocate for the respondent-NCB.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of ad-interim regular bail in respect of a case registered vide complaint No.49 dated 18.12.2018 registered at NCB, Zonal Unit, Chandigarh under Sections 8, 20 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The case of the prosecution, in nutshell, is that Anil Kumar and Joginder were apprehended and were found in possession of 16.5 Kgs. of '*charas*'. During their interrogation they disclosed that they were to take this recovered contraband to Delhi and to entrust the same to the petitioner Raj Kumar, who was to further take it to Goa. Pursuant to the aforesaid information, the petitioner was apprehended and from his possession 80 grams of '*charas*' was recovered.

3. The learned counsel for the petitioner has submitted that he has been nominated as an accused on the basis of disclosure statements of co-accused recorded in terms of Section 67 of Narcotic Drugs and Psychotropic Substances Act, 1985 and that the veracity and admissibility of the same would be debatable. It has further been submitted that even the contraband allegedly recovered from the petitioner i.e. 80 grams of '*charas*' would fall within the category of 'small quantity' and that in these circumstances, the petitioner deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that the petitioner is the king-pin and was named by the co-accused from whom huge quantity of '*charas*' had been recovered. It has further been submitted that the disclosure statements made by the co-accused stand substantiated from the fact that some amount of '*charas*' was also recovered from the petitioner. It has further been submitted that statements made by the co-accused in terms of Section 67 of NDPS Act would be admissible in evidence and that in these circumstances, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. The admissibility and veracity of the statements of co-accused viz-a-viz the petitioner is a matter to be decided on the basis of entire evidence. The quantity of '*charas*' allegedly recovered from the petitioner i.e. 80 grams, would fall within 'small quantity'. In any case, since the petitioner has been behind bars for the last more than one year and conclusion of trial is likely to take some time, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No