

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

CRM-M-25734-2020 (O&M)  
Date of Decision:- 30.10.2020

Rajinder Bansal

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

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

Mr. Karan Sharma, AAG, Haryana,  
assisted by ASI Anil.

*(Proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.4, dated 4.1.2020, Police Station Ellenabad, District Sirsa, under Section 15 of NDPS Act.
2. It is the case of prosecution that a secret information was received by the police to the effect that petitioner Rajinder Bansal has brought 'Poppy Husk' and had stored the same in a house taken on lease from Surjit Singh and has kept the same in a room on the first floor of the

said house where his father was sitting to take care of the said 'Poppy Husk'.

3. It is further the case of prosecution that upon receipt of said information a raid was conducted at the said premises where a person was found sitting on a cot in front of a room on the first floor and who disclosed his name as Ashok Bansal. It is further the case of prosecution that upon search of the room in question 20 bags containing a total of 193 Kgs of 'Poppy Husk' were recovered.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and neither he was ever found present at the spot and nor the premises from where the 'Poppy Husk' was recovered belong to him and as such it is apparent that he has been falsely implicated. Learned counsel has further submitted that although as on the date of the said incident i.e. 4.1.2020, the petitioner had a clean record and was not involved in any other case, but the police in its zeal to falsely implicate the petitioner has subsequently involved him in another case of recovery of 3 Kgs of 'Poppy Husk' on 16.4.2020.
5. Opposing the petition, learned State counsel has submitted that since there was specific and definite information against the petitioner regarding his having stored 'Poppy Husk' which was duly recovered, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court. Having regard to the fact that the petitioner was not found at the spot from where the 'Poppy Husk' in question was recovered and even the

premises in question do not belong to the petitioner, it will be debatable as to whether the petitioner can be attributed conscious possession of the contraband so recovered. 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.

7. It is however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

**October 30, 2020**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No