

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 31614 of 2020

Date of Decision: 04.11.2020

Badal Kumar Yadav

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kumar Sushobhan, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a Crime Complaint No. 81, dated 15.12.2017, registered under Sections 8, 20, 23, 25, 29 and 60 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”), at Police Station NCB Zonal Unit, Chandigarh.

This petition is liable to be dismissed at the outset, on the following two grounds:-

- 1) The petitioner is guilty of concealment of material facts. The petition has been captioned as “First Petition for grant of Regular bail”, whereas as per the office note, the petitioner had filed a Criminal Misc. No. M-441 of 2019, which was dismissed vide order dated 06.12.2019. The order passed in Criminal Misc. No. M 441 of 2019 is extracted as under:

“Prayer is for grant of bail pending trial in a criminal complaint No.81/2017 dated 15.12.2017, registered under Sections 8/20/23/25/27A/29 and 60 of the NDPS Act, 1985, at Police Station Narcotics Control Bureau, Zonal Unit, Chandigarh.

As per the case of the prosecution, 65.23 Kg of 'Charas' was recovered.

Learned counsel for the petitioner contends that the petitioner was merely present in the house, although, he is not owner of the same. He, hence, submits that the narcotic which has been recovered cannot be said to be recovered from the conscious possession of the petitioner.

The search and seizure was carried out on the basis of secret information in which it was reported that the petitioner along with his co-accused have brought huge consignment of 'Charas' from Nepal. The recovery falls in commercial category.

In view of bar under Section 37 of the NDPS Act, this court is not inclined to grant concession of bail to the petitioner.

Dismissed”.

2) The petitioner has filed the present petition by

impleading the State of Haryana as party respondent, whereas the complaint has been filed by the Union of India through the Narcotic Control Bureau, Chandigarh, which has not been impleaded as a party. State of Haryana has no role to play in this case.

On being questioned, learned counsel for the petitioner, failed to give any satisfactory response.

In the present case, 65.230 kgs.of charas was recovered. The petitioner was apprehended along with the co-accused from the house of Sandeep, from where the recovery was made. As per the case of the prosecution, the petitioner and Saurabh brought the consignment from Nepal.

The quantity of the recovered narcotic substance falls in the category of commercial quantity.

With the observations made above, the present petition is dismissed.

(Anil Kshetarpal)
Judge

November 04, 2020
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No