

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

203

CRM-M-36197-2020(O&M)

Date of Order:12.11.2020

Sachin

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jitender Dhanda, Advocate,
for the petitioner.

Mr. Samarth Sagar, Addl.A.G.,Haryana

ANIL KSHETARPAL, J(Oral)

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

This is second petition for grant of bail pending trial in a criminal case arising from FIR No.163, dated 09.06.2020, registered under Section 188 IPC and Section 20/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar, Hansi.

The first petition was dismissed on 12.10.2020, with the following order:-

“Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner-Sachin son of Krishan prays for grant of bail pending trial in a criminal case arising from FIR No.163, dated 09.06.2020, registered under Section 188 IPC and Section 20/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar, Hansi.

As per the case of the prosecution, the petitioner was apprehended with 112 Kg 'Ganja' (a prohibited substance) under the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner contends that as per report of the Forensic Science Laboratory,

even vegetative material was found in the samples sent and, therefore, it would not be appropriate for the prosecution to allege that the alleged recovery is 112 Kgs 'Ganja'.

On the other hand, Sh. Chetan Sharma, Assistant Advocate General, Haryana, has contended that as per Larger Bench judgment of the Supreme Court in the case of Hira Singh and another vs. Union of India and another (Criminal Appeal No.722 of 2017, decided on 22.04.2020), the entire quantity including one or more neutral substances are to be taken into consideration.

This Court has considered the submissions and perused the paper book.

The category of commercial quantity with respect Ganja starts from more than 20 Kgs, whereas in the present case the recovery of prohibited substance is 112 Kgs. Still further, at this stage, there is no material available that the vegetative material was weighing more than 85% of the total quantity. Further, as rightly contended by Sh. Chetan Sharma, Assistant Advocate General, Haryana, in view of the judgment of Larger Bench judgment in Hira Singh (Supra), one or more neutral substances cannot be excluded.

Keeping in view the aforesaid facts, no ground to grant the concession of bail is made out.

Dismissed.

However, learned trial court is requested to expedite disposal of the trial as on completion of investigation, the prosecuting agency has already submitted final report as provided under Section 173 Cr.P.C.”

No fresh ground to grant the concession of bail to the petitioner
is made out.

Dismissed.

November 12, 2020
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(ANIL KSHETARPAL)
JUDGE

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