

MOHAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 0001 of 2019 dated 01.01.2019 registered under Sections 21, 22 (Act No. 61) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Urban Estate Rohtak, District Rohtak.

Briefly, the FIR has been registered in pursuance of the recovery of 750 bottles (100 ML each) of Codeine from the car bearing registration No. HR-12AE-1148 wherein the petitioner along with two accused were travelling.

It has been stated by learned counsel for the petitioner that the petitioner is in custody since 1.1.2019 and the trial is not progressing on account of Covid-19 pandemic.

On the contrary, it has been stated by learned State counsel that the quantity of contraband recovered in the instant case falls in the category

of commercial quantity and as such, no ground is made out to extend the concession of bail to the petitioner.

In the instant case, the quantity of contraband recovered from the possession of the petitioner falls under the category of commercial quantity. As such, the stringent provisions of section 37 of NDPS Act come into play. There is nothing to suggest that petitioner has not committed the offence and is not likely to commit the offence while on bail. Moreover, merely because the trial is not progressing on account of restricted hearing of the Courts due to Covid-19 pandemic, it cannot be termed to be a circumstance to extend the concession of bail to the petitioner, particularly because the undertrial prisoners who are entitled for interim bail/bail have already been released in pursuance of the guidelines issued by the High-Powered Committee.

Keeping in view the totality of circumstances, no justified ground is made out to extend the concession of bail to the petitioner.

Dismissed.

12.11.2020

Janki

**(VIVEK PURI)
JUDGE**

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