

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

**CRM-M-36508-2020
Date of decision-17.11.2020**

Ram Kishan

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Agnihotri, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial, in case FIR No.0005 dated 17.10.2019 under Sections 18, 20, 25 and 61 Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 85 NDPS Act added later on) registered at Police Station State Special Operation Cell, SAS Nagar. Petitioner is in custody since his arrest on 03.01.2020.

The FIR was registered on the basis of secret information and the allegations as noticed by Ld.Judge, Special Court, SAS Nagar vide order dated 15.01.2020 are as under:-

“The allegations of the prosecution are that on 17.10.2019 Inspector Karamjit Singh alongwith other police officials was present near Kalka Chowk, Zirakpur where at about 6:00 p.m., he received secret information that Shalinder Shinda son of Prem Chand resident of Indra Colony, Manimjara, Prince son of Sham Lal resident of Panchkula and Ramesh Kumar alias Mathi son of Om Parkash resident of Mangoli Majra are indulges in

sale and purchase of opium. He further informed that they bring the contraband from Himachal Pradesh and supply the same in the area of Zirakpur, Mohali and Chandigarh. He further informed today Shailender Shinda, Prince and Ramesh Kumar are coming in a car bearing No CH-01-BF-2827 make Alto from Himachal Pradesh and coming to Zirakpur. If nakabandi is laid on GT Road near GK Resorts they can be apprehended with huge quantity of opium. After completing all the formalities, nakabandi was laid. The car bearing registration No.CH-01-BF-2827 was intercepted. Three persons were sitting therein. They were ordered to come out of the car. On enquiry they disclosed their names as mentioned above. From the dashboard of the car 2 Kgs Charas was recovered whereas from the Search of Shailender Sharma 150 grams opium was recovered. The accused could not produce any permit or license, as such he was arrested in this case.”

Learned counsel for the petitioner contends that the recovery of the contraband was made from his co-accused-Ramesh Kumar and petitioner was not even present at the spot. He submits that though the vehicle in question was owned by the petitioner, but the same was given in good faith for use to the said accused, who is his neighbor. According to him, the said vehicle was misused by committing the crime by the said co-accused, therefore, the petitioner deserves the concession of regular bail as the investigation of the case is complete.

On the other hand, learned State counsel has opposed the prayer on the ground that the recovered contraband (2 k.g. charas and 150 gram opium) falls in the category of commercial quantity, therefore, he does not deserve the concession of regular bail. He has submitted that previously also

the vehicle of the petitioner was involved in case FIR No.33 dated 09.02.2018 registered at Police Station Naraingarh, District Ambala. According to the State counsel, in the other case also the car was used by his neighbors, namely, Prince and Surrender.

After hearing learned counsel for the parties and considering the nature and quantity of the contraband, this Court does not find it to be a fit case for extending the concession of regular bail to the petitioner, at this stage.

Petition is dismissed.

17.11.2020
vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No