

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

Sr. No.208

**CRM-M-36897-2020
Date of Decision: 19.11.2020**

Mukesh Dhaka

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioner seeking regular bail in case bearing FIR No.286 dated 05.08.2020 under Section 15, 18 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Fatehabad, District Fatehabad.

As per the version of the prosecution that on 05.08.2020 during the course of patrolling duty, one person by the name of Mohan Lal was intercepted and from him, recovery of 4.800 Kgs. of poppy husk and one pouch containing 500 grams of opium was recovered. The said Mohan Lal, during the course of investigation, disclosed that he had purchased 18 Kgs. of poppy husk from the present petitioner about three months back. However, recovery of poppy husk is to the extent of 4.800 Kgs. from Mohan Lal.

Now, it is submitted by learned counsel for the petitioner that the present petitioner has been falsely implicated in the present case and no recovery as such was effected from him. It was only on the basis of disclosure statement made by the fellow accused, he has been nominated as an accused. Otherwise also, the alleged recovery of poppy husk from the possession of fellow accused Mohan Lal, falls in the category of 'non-commercial quantity' and the present petitioner is stated to be in custody since 10.09.2020. As such, a prayer for grant of regular bail has been made.

Notice of motion.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State. However, she resists the claim of the petitioner for grant of regular bail. It is submitted that though challan has been presented against the petitioner, but however, charge has yet not been framed. Moreover, she submits that the accused is involved in two other cases. In these circumstances, a prayer has been made for the dismissal of the bail petition.

Considering the role, so assigned to the petitioner and also considering the duration of his custody as well as considering the extent of alleged recovery effected from the fellow accused and moreover considering the fact that even the fellow accused namely Mohan Lal and Mohammad Din @ Niku Khan had already been granted bail by the Co-ordinate Bench of this Court, I deem it appropriate to allow the bail petition of the present petitioner. As such, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate/CJM concerned.

Accordingly, the present petition stands disposed of.

(ARCHANA PURI)
JUDGE

19.11.2020
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Whether speaking/reasoned	Yes
Whether reportable	No