

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

-.-

CRM-M-42342-2019 (O&M)

Date of decision : 18.11.2020.

Nawab

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. D.S.Matya, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana. .

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.95 dated 28.08.2018 under Sections 15, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under Sections 193, 465, 466, 467, 468, 120-B of the Indian Penal Code, 1860 registered at Police Station Rohadai, District Rewari

The facts relevant to the present case are that on 28.8.2018 when S1 Sultan Singh alongwith other police officials was near Meena Hotel Gurawra, he received secret information that the present petitioner - Nawab - and co-accused Asfaq were coming from Rajasthan to Panipat in a truck carrying contraband and if a Nakabandi was done they could be apprehended red-handed. In view thereof, a Nakabandi was done and after some time a truck bearing no HR-58-A-4662 reached the spot. On seeing the police party the driver of that truck tried to turn the truck back but the police party managed to stop the truck. The present petitioner Nawab

alongwith co-accused Asfak were apprehended by the police party and during the search of their truck 205 kgs 100 gram poppy husk was recovered from their possession without any permit or licence. During investigation, on 03.09.2018, the accused persons further got 14 bags of poppy husk containing 546 kgs and 540 grams poppy husk recovered from a room situated near Palhawas Gurawra over bridge.

Learned counsel for the petitioner has contended that the petitioner was merely traveling in the truck and no role has been attributed to him. He has further contended that he had no knowledge that there was contraband loaded in the truck and that he was only working as a conductor.

Learned State counsel, on instructions from SI Surender Singh, has stated that the present case is of an inter-State gang which is involved in the business of supplying drugs and the present petitioner is member of the said gang. It has further been contended that in total 19 bags containing 750 kgs of poppy husk were recovered out of which 205 kg and 100 grams was recovered at the spot and the remaining was recovered during the course of investigation.

I have heard learned counsel for the parties.

The argument raised by the learned counsel for the petitioner that he was merely a conductor would be a matter of trial and cannot be gone into at this stage. Further, it is apparent that the petitioner was apprehended at the spot and 205 kg and 100 grams of poppy husk was recovered from the spot. Further, 14 more bags containing 546 kgs 540 grams of poppy husk were recovered during investigation.

Keeping in view the recovery in the present case, I do not find this to be a fit case for grant of regular bail to the petitioner.

Dismissed.

It is, however, made clear that any observation made herein shall not be taken as an expression of opinion on the merits of the case.

November 18, 2020

(ALKA SARIN)
JUDGE

tripti

NOTE:

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No