

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

105

CRM-M-3305-2021

Date of Decision:25.02.2021

Sunil Kumar alias Sheela

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. K.L. Saini Advocate,
for the petitioner.**

Mr. Bhupender Singh, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.166 dated 14.06.2020 under Section 20-B of the NDPS Act, registered at Police Station Sadar Kaithal, District Kaithal.

Learned counsel for the petitioner has argued that on the basis of disclosure statement of co-accused Ram Kumar, the petitioner has been named as an accused in the present case. The recovered quantity is non-commercial and compliance of Section 50 of the NDPS Act was not made, as no independent witness was examined, despite the fact that the alleged recovery was effected from other co-accused. He relies upon the order dated 21.08.2020 passed by this Court in **CRM-M-21766-2020(Ram**

Kumar Versus State of Haryana), whereby co-accused Ram Kumar has

been admitted on regular bail by this Court.

Heard.

Petitioner is also involved in other cases. He has been sentenced for a period of 16 months in one case and in another case under the NDPS Act, he is on bail. The alleged recovery in the case is of 1 kg and 600 grams of *Ganja Phul Patti*, which is marginally higher than the small quantity. But noticing the fact that there are other cases against the petitioner under the NDPS Act and other co-accused, as relied upon by learned counsel for the petitioner, is on regular bail, no ground to grant anticipatory bail to the petitioner is made out.

Dismissed.

February 25, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No