

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

(204)

CRM-M-6826-2021

Date of Decision: February 18, 2021

**Mohammad Arman****.. Petitioner****Versus****State of Haryana****.. Respondent****(Through video conferencing)****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Amandeep Singh, Advocate, for the petitioner.

Ms. Rajni Gupta, Addl. Advocate General, Haryana.

**HARSIMRAN SINGH SETHI, J.(ORAL)**

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.541 dated 06.09.2019 under Sections 21, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Jind City, District Jind, Haryana.

Learned counsel for the petitioner argues that there were two FIRs registered against the petitioner on the said date under the Narcotic Drugs and Psychotropic Substances Act, 1985 and in one of the FIR being FIR No.539 dated 06.09.2019, the petitioner has already been granted bail by this Court and therefore, the petitioner is entitled for the grant of bail in the present case as well on parity.

Notice of motion.

Ms. Rajni Gupta, learned Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and submits that the allegations in FIR No.539 dated 06.09.2019 are that the petitioner had sold drugs to co-accused, who was arrested alongwith the

contraband and on his disclosure statement, the name of the petitioner had cropped up and as no recovery was effected from the petitioner, he was granted bail but in the present case, there is a recovery of 300 grams of smack from the possession of the petitioner, which is commercial in quantity, hence the petitioner is not entitled for the grant of bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations in FIR No.539 dated 06.09.2019 and FIR No.541 dated 06.09.2019 are not identical. In FIR No.539, the allegation against the petitioner was that he has sold smack to the co-accused who was arrested alongwith the contraband and the recovery was done from the co-accused and not from the petitioner whereas in the present case, recovery of 300 grams of smack is done from the petitioner.

Once, a recovery of commercial quantity of contraband has been done from the petitioner in the present case and there are allegations against the petitioner that the petitioner is also involved in selling drugs, the allegations are serious enough to deny the prayer of the petitioner in this petition.

Keeping in view the facts and circumstances of the present case, which shows that prima facie, petitioner is a drug peddler, no ground is made out to grant the benefit of regular bail to the petitioner on basis of custody undergone alone.

Accordingly, the present petition is dismissed.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**February 18, 2021**  
*harsha*

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