

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20071-2021 (O&M)
Date of Decision:- 26.5.2021

Gopal Kaushal Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manoj Kaushik, Advocate, for the petitioner.

Mr. Gagandeep Singh Chinna, AAG, Haryana,
assisted by ASI Rajesh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No. 275 dated 22.8.2020 under Sections 20/61 of NDPS Act at Police Station SGM Nagar, District Faridabad.
2. It is the case of prosecution that on 21.8.2020 when the police party headed by S.I. Yogender Singh was patrolling in the area of Patel Chowk, SGM Nagar, Faridabad, then a secret information was received to the effect that Munna alias baba along with Chunni Lal and Gopal were involved in sale and supply of '*Ganja Patti*' in Faridabad. They were planning to come towards Mulla Hotel from

the side of Dabua Mandi, Masjid Chowk in their Wagon-R car bearing registration No. HR-38X-7513 so as to supply '*Ganja*'.

3. Pursuant to receipt of aforesaid information, the police swung into action and the police officials hid themselves near the nominated place. Shortly thereafter, a person was seen at the nominated place, who was identified by the secret informer to be Munna @ Baba. After some time, a Wagon-R car came there from which Chunni Lal and Gopal came out and after taking out a white coloured bag from their car, they tried to handover the same to Munna alias Baba. The police immediately apprehended all three of them alongwith the white coloured plastic bag, which was found to contain 20.5 kilograms of '*Ganja Patti*'.
4. Learned counsel for the petitioner submits that he has falsely been implicated in the instant case and that there is no specific attribution as per the case of prosecution as to who was carrying the white coloured bag, and that the allegations are simply to the effect that Chunni Lal and Gopal came out of the car and tried to hand over a white coloured bag to co-accused Munna @ Baba. It has further been submitted that in any case it will be debatable as to whether the recovered contraband will fall in the category of 'commercial quantity' or not since the weighment was made along with bag which turned out to 20.5 kgs which is marginally higher than the quantity prescribed as 'commercial quantity' and that the weighment includes the weight of the bag also. Learned counsel has further submitted that since the co-accused Chunni Lal and Munna have already been

granted bail, the petitioner also deserves the same concession on the ground of parity.

5. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 20.5 kgs of '*Ganja Patti*' which is more than the quantity prescribed as 'commercial quantity', no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner has been behind bars since the last 9 months and is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that it is a case of recovery of one of the mildest contrabands i.e. '*Ganja Patti*' and which was weighed along with the bag and the total weight came out to be 20.5 kgs and while also noticing that the petitioner has been behind bars since the last about 9 months and is not stated to be involved in any other case, the petitioner deserves the concession of bail particularly also on the ground of parity as co-accused have already been granted bail. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.5.2021
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No