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

**CRM-M-20620-2021
Date of Decision: 31.08.2021**

Sanjay

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in F.I.R. No. 280, dated 12th October, 2020 under Section 20-C of the Narcotic Drugs & Psychotropic Substances Act, 1985 [hereinafter 'the Act'] (Section 29 of the Act was added later on) registered at Police Station Lakhan Majra, Rohtak.

[3] The police acting on a secret information on 11th October, 2020, checked vehicle bearing registration No. HR-39B-6978. The vehicle was driven by Sanjay (petitioner), 360 kilograms of charas (ganja) was recovered from the vehicle.

[4] Learned counsel for the petitioner submits that as per story

putforth by the prosecution, the petitioner was only a carrier who was hired by the other co-accused for bringing the contraband from Chattisgarh. He further submits that co-accused have been granted bail.

[5] Learned State counsel opposes the prayer for grant of bail and submits that recovery is of commercial quantity and petitioner is involved in one more case under the Act.

[6] The petition is not at parity with the co-accused, they were named in the disclosure statements. No recovery was effected from the co-accused whereas petitioner was apprehended from the spot. He was driver-cum-incharge of the vehicle from which recovery of 360 kilograms of ganja was effected. The case falls within the ambit of Section 37 of the Act.

[7] No case is made out for grant of bail, the petition is dismissed.

[8] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

31st August, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No