

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

CRM-M-29913-2021 (O&M)
Date of Decision:-3.8.2021

Sanjay and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bansal, Advocate for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by SI Ajay Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0157 dated 1.5.2021 at Police Station Hisar Civil Lines, District Hisar under Section 20 of Narcotic Drugs & Psychotropic Substances Act, 1985, wherein offence under Section 27-A of NDPS Act was added later on.
2. As per the case of prosecution a secret information was received by the police to the effect that the petitioners Sanjay and Bintu alongwith co-accused Sanjeev, Sandeep and Rupendar were proceeding in a car bearing

registration No.HR-18B-1414 and were bringing '*ganja*' in the said vehicle. Upon receipt of said information, barricading was held and the aforesaid car was intercepted. All the five accused were apprehended at the spot. The search of car led to recovery of 2 bags containing 16.800 kilograms of '*ganja*'. However, the personal search of the petitioners did not yield any objectionable article.

3. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that, in any case, the petitioners cannot be attributed any conscious possession of the allegedly recovered contraband as the same was recovered from underneath the seat.
4. Opposing the petition, learned State counsel has submitted that since the petitioners are specifically named in the FIR and the contraband was recovered from the car in which they were travelling alongwith their co-accused, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioners are not involved in any other case and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that it is a case of recovery of 'non-commercial' quantity of contraband. Challan already stands presented. The petitioners have been behind bars since the last about 3 months. The petitioners are not even stated to be involved in any other case. In these circumstances, further detention of the petitioners will not serve any useful purpose as conclusion of trial is likely to consume time. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail

bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

3.8.2021
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No