

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

(I)

CRM-M-34663-2021 (O&M)

Date of Decision:- 23.11.2021

Manthan @ Paras

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-39760-2021 (O&M)

Ritik Bansal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S.Sekhon, Advocate,
for the petitioner in CRM-M-34663-2021.

Mr. Amit Choudhary, Advocate,
for the petitioner in CRM-M-39760-2021.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Sandeep Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Manthan @ Paras and Ritik Bansal, seek grant of regular bail in a case registered vide FIR No. 240, dated 2.5.2021, Police Station HTM Hisar, Hisar, under Sections 20-C, 27-C, 61 and 85 of NDPS Act (Sections 27-C, 61 and 85 of NDPS Act was added later on).
2. The FIR was registered on the basis of a secret information to the effect that Ritik, tenant of shop No.19, Old vegetable market, Hisar who works as a caterer had kept concealed some intoxicant in the godown of his rented shop at Old vegetable market. Pursuant to receipt of said information a raid was conducted at the said premises on 2.5.2021 and from where two white coloured plastic bags were recovered which were found to contain 'Ganja Patti'. Each of the said bags was found to weigh 24 kg 200 grams.
3. It is further the case of prosecution that none of the accused was arrested from the spot and that Ritik was arrested on 5.5.2021 and who made a disclosure statement to the effect that the recovered contraband belongs to Manthan. Said Manthan was already in custody in connection with some other case and was formally arrested on the same day itself.
4. Learned counsel for the petitioners have submitted that they have falsely been implicated in the instant case and that neither any of them is owner of the shop in question from where the alleged contraband was recovered and nor they can be said to be tenants of

the same. It has further been submitted that none of the petitioners was ever found near the place of recovery and infact Manthan was behind bars in connection with another case and has been nominated as an accused on the basis of a disclosure statement allegedly made by Ritik. It has been submitted that no reliance can be made upon such like disclosure statement and in these circumstances the petitioners deserve the concession of bail.

5. Opposing the petitions, learned State counsel has submitted that since during the course of investigation the police has recorded the statements of the owner/lessor of the shop who have categorically stated that they have let out the shop to Ritik and infact the contraband was recovered from the said shop in question, no case for grant of bail is made out. It has been informed that both the petitioners have been behind bars since the last more than 6 months and that while Ritik is not involved in any other case, petitioner Manthan stands involved in one case registered under the Excise Act.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the nature of contraband recovered and the fact that none of the petitioners was ever arrested at the spot and infact one of them was already in custody in connection with another case and while also noticing their antecedents, this Court is of the opinion that no useful purpose would be served by further detaining the petitioners behind bars. The petitions, as such are accepted and the petitioners are ordered to be released on bail subject to their

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

8. A photocopy of this order be placed on the file of each connected
case.

23.11.2021
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No