

In virtual Court

CRM-M-35465-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35465-2020 (O&M)

Date of decision: 27.04.2021

Mohan Lal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.64 dated 10.02.2020 under Section 22(c) of NDPS Act, registered at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner submits that as per allegations in the FIR, on 10.02.2021, the police party received a secret information that petitioner Mohan Lal and his son Manjit Singh have concealed narcotic substance in cow dung in Mohalla of Bhato. On receiving the information, notice under Section 42 of NDPS Act was prepared and sent to DSP, HQ, Sirsa for information and thereafter, the police party reached at the spot. DSP, HQ, Sirsa and another Gazetted Officer were part of the police party and in their presence, cow dung was dug and five begs were recovered, in which 35600 intoxicant capsules marka Ridley Parvorin Spas Tramadol Hydrochloride were

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found. The petitioner was arrested at the spot, whereas his son Manjit Singh could not be arrested.

Learned counsel for the petitioner has argued that the petitioner is in custody of 07 months and 11 days and is not involved in any other case; recovery was effected from open space, therefore, it will be a debatable issue whether the petitioner was in conscious possession or not.

Learned State counsel has filed the custody certificate dated 25.04.2021 in the Court today and has opposed the prayer on the ground that co-accused of the petitioner i.e. his son Manjit Singh is yet to be arrested and the petitioner and his son were duly named in the secret information and DSP, HQ, Sirsa and another Gazetted Officer/BDPO, Ellenabad, in presence of the petitioner, recovered 35,600 intoxicant capsules, which falls in commercial quantity. It is further submitted that the investigation was conducted in accordance with law.

After hearing learned counsel for the parties and considering the fact that recovery of huge commercial quantity of intoxicant capsules was effected from the petitioner, I find no ground to grant him regular bail.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

27.04.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No