

208 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-37658-2020
Date of Decision : 23.02.2021

Sanjay Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.288 dated 26.07.2019 under Sections 22-C of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rania, District Sirsa, Haryana.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party, while on a patrol duty, apprehended accused Surender @ Kaka on the suspicion of carrying some narcotic substance. Upon his arrest, 800 intoxicant capsules were recovered from said Surender @ Kaka. On further inquiry, he made a disclosure that he had purchased the said intoxicant capsules from the petitioner i.e. Sanjay Kumar and thereafter, the petitioner was arrested on 26.07.2019 and the motorcycle was also taken in possession from him.

Learned State counsel has filed reply by way of an affidavit of Deputy Superintendent of Police, Ellenabad, District Sirsa in Court today along with FSL report and custody certificate of the petitioner. In the aforesaid

affidavit, it is stated that after the arrest, the petitioner has made a disclosure statement that even he had purchased 10 boxes of intoxicant capsules for Rs.9000/- from some unknown person. It is further stated in the affidavit that another FIR No.278 dated 16.06.2020 also stands registered against the petitioner under Section 22-B of the NDPS Act at Police Station Rania, District Sirsa, Haryana.

A perusal of the affidavit further shows that the petitioner is involved in one more FIR under the Arms Act, though he is on bail in that case.

Learned State counsel submits that the case is now fixed for recording the prosecution evidence.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the fact that the recovery is of commercial quantity from the co-accused and petitioner is involved in one more FIR under NDPS Act, I find no ground to grant him concession of regular bail.

Accordingly, the present petition is dismissed.

23.02.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No