

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

CRM-M-39700-2020

Date of Decision: 08.09.2021

Rajesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. P.C. Tayal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana
for the respondent-State.

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 FIR No. 0267 dated 09.08.2019 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, NDPS Act) registered at Police Station Naraingarh, Haryana.
3. The brief facts are that on a information received on 09.08.2019 a car driven by Rajesh (petitioner) was checked by the police party and 1.5kg of *charas* was recovered.
4. Learned counsel for the petitioner submits that the petitioner is in custody since the date of apprehension. It is a case of a false implication and co-accused was granted bail.

5. Learned State counsel opposes the grant of regular bail, she submits that recovery is of a commercial quantity. Section 37 of the NDPS Act bars the relief to the petitioner. She further contends that petitioner is not at parity with the co-accused who was granted bail. Recovery was from the petitioner, whereas, co-accused was nominated on a disclosure statement stated to be the supplier.

6. The recovery from the petitioner is of commercial quantity. There are stringent provisions under the NDPS Act, 1985 to deal with persons involving in Narcotic substances.

7. In the case in hand, custody period alone cannot be the sole consideration for grant of bail. It is further to be noted that the charges were framed in the present case on 20.01.2020 from March, 2021 the Court function was not normal due to COVID-19 situation. In spite of that four prosecution witnesses have already been examined.

8. No case is made out for grant of bail.

9. Dismissed.

(AVNEESH JHINGAN)
JUDGE

08.09.2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No