

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

205

CRM-M No.43258 of 2020

DATE OF DECISION : 17th FEBRUARY, 2021

Jitender Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Manvinder Sidhu, Advocate for the petitioner.

Ms. Deipa Singh, Additional Advocate General, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

The present third petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.0059 dated 25.03.2019 registered under Sections 15, 27(a) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Ellenabad, District Sirsa.

An affidavit filed by Bhupinder Singh, Superintendent of Police, Sirsa is taken on record.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner was only traveling in the vehicle from which the recovery was made. The petitioner is neither owner nor the driver of the said truck. The petitioner is in custody since 25.03.2019. There is no other case against the petitioner. The investigation of the case is complete. Therefore, the petitioner is not required for any investigation purpose.

On the other hand, the counsel for the State has relied upon the status report filed by the police and has submitted that there is heavy recovery from the vehicle in which the petitioner was found present. In this case the recovery is of 200 kg of poppy husk, which is an enormous quantity. It is further submitted that the petitioner was very much present in the truck in which the contraband was being transported. The NDPS Act creates a presumption against the person found in the vehicle qua the possession of contraband being conscious. It is also submitted that before the onset of the Covid-19 pandemic situation the prosecution had already started the evidence against the petitioner, however, it was the defense counsel who had sought adjournment at that time. Thereafter the court could not record the evidence because of the pandemic situation. Now the case is fixed for 22.02.2021 and most of the witnesses have been summoned for the said date. The counsel has further submitted that the prosecution would make earnest efforts to complete their evidence at the earliest possible. Hence, the petitioner does not deserve any concession of bail.

Having heard learned counsel for the parties, this court finds that the recovery from the petitioner is very heavy. Therefore, without commenting any further on any aspect of the case, lest there should be any prejudice to the petitioner or to the prosecution, the present bail petition is dismissed.

17th FEBRUARY, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>