

230

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.51006 of 2021 (O&M)

Date of decision: 10.12.2021

Bijender

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anuj Arya, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

On 25.11.2021, the bail application of the petitioner was dismissed by this Court vide CRM-M No.39597 of 2020, by passing the following order:-

“This is the first petition for grant of regular bail to the petitioner in case FIR No.341 dated 12.5.2020 registered under Section 20 of the NDPS Act, 1985 at Police Station Sadar, District Bhiwani.

Counsel for the petitioner submits that as per the allegations in the FIR, a police party headed by ASI Pankaj Kumar, was on patrol duty when a secret informer gave information that co-accused Jaipal, who is engaged in selling of narcotic, is coming on his motorcycle for selling the same and if a barricading is done, he can be apprehended along with the contraband. On this, an information was sent to the Police Station for registration of the FIR and in the meantime, a motorcycle was seen coming, which was stopped by the police party. The driver of the motorcycle disclosed his name Jaipal son of Arjun. A notice under Section 50 of the NDPS Act was given to him and the Deputy Superintendent of Police (Headquarters), was called on the spot, thereafter. By following the procedure, 28 kgs. 600 gms. Charas was recovered.

Counsel for the petitioner submits that on the

nomination of aforesaid Jaipal, the petitioner was nominated later on in this case with the allegation that he procured the same from the petitioner, who is a resident of Uttar Pradesh. Jaipal further disclosed that the Charas was brought in Alto car of petitioner Bijender from Kairana, Uttar Pradesh and he can get the place demarcated. It is further stated that he has purchased the same at the rate of Rs.20,000/- per kg. from petitioner-Bijender. Thereafter, the petitioner was arrested, who also made disclosure statement admitting his guilt and commission of offence along with Jaipal. From the disclosure of his statement, it surfaced that he has procured it from one Bhura, who is a big supplier of narcotic in Kairana. On the disclosure of the petitioner a car bearing registration No.HR-15-D-7879 Alto K-10 used in transporting the narcotic was recovered from him.

The affidavit dated 22.12.2020 of the Deputy Superintendent of Police, Bhiwani, Haryana is taken on record, in which, after giving details of the investigation, the disclosure of main accused Jaipal as well as of the petitioner is relied upon. As per the FSL report, the contraband recovered was found to be Charas.

The learned State counsel has filed the custody certificate and as per the same, the petitioner is in custody for the last 01 year and 05 months. The State counsel has further submitted that the investigation is complete and the case is now fixed for prosecution evidence. The learned State counsel has further stated that the evidence against the petitioner is not only the disclosure of co-accused Jaipal but also his own disclosure, which was corroborated from the recovery of the car which was used in commission of the offence and, therefore, considering the commercial quantity of Charas recovered in the case, the petitioner is not entitled to grant the concession of regular bail.

After hearing the counsel for the parties, considering the facts that 28 kgs. 600 gms. of Charas was recovered from co-accused Jaipal, who nominated that the petitioner was a person from whom he has purchased it at the rate of Rs.20,000/- per kg. and also in view of the fact that the car used for transporting the contraband from Uttar Pradesh to Bhiwani belongs to the petitioner and was recovered from his possession, no ground for grant regular bail is made out.

The petition stands dismissed.”

This 2nd petition has now been filed in less than 01 month
without there being any change of circumstances.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.12.2021
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No