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

CRM-M-13530-2022

Date of Decision: 05.04.2022

Surender @ Sunder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Saini, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.445 dated 30.11.2020, under Sections 20/20-C of the N.D.P.S. Act, 1985, registered at Police Station Kalanaur, District Rohtak.

Learned counsel for the petitioner has submitted that earlier also the petitioner has filed a petition bearing CRM-M-20995-2021 which was dismissed as withdrawn at this stage on 11.06.2021. He further submitted that the petitioner is in custody since 30.11.2020 and as per the allegations, there was a secret information that five persons, who were travelling in two different cars were carrying intoxicant substance and then there was a recovery of 140 kgs. & 300 grams of *Ganja* from the car in which the petitioner was travelling. He also submitted that out of three persons who were travelling in different car, two were granted bail by this

Court and one person was granted bail by the trial Court. He further submitted that the petitioner is although involved in another case under the N.D.P.S. Act but the same was on the basis of the disclosure statement and has prayed for the grant of regular bail to the petitioner.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana, has submitted that there had been a recovery of 140 kgs. & 300 grams of *Ganja* from the car in which the petitioner along with the other co-accused was travelling and there is no justifiable reason available for making a departure from the bar contained under Section 37 of the N.D.P.S. Act. He also submitted that three co-accused persons, who were granted bail, were not at parity with the petitioner because there was no recovery of any intoxicant substance from their car although there was an information pertaining to them also. He further submitted that since there was a recovery of commercial quantity of *Ganja* from the petitioner and the petitioner has not able to make out any ground for making a departure from the bar contained under Section 37 of the N.D.P.S. Act, his prayer for regular bail may be rejected.

I have heard the learned counsel for the parties.

So far as the parity with the other co-accused, who have been granted bail is concerned, the petitioner cannot be at parity with the other co-accused in view of the fact that the recovery of 140 kgs. & 300 grams of *Ganja* from the car of the petitioner and so far as the other co-accused, who have been granted bail, no intoxicant substance as per the prosecution was recovered from their car. The recovery in the present case was from the car in which petitioner was travelling and it was 140 kgs. & 300 grams of

Ganja which falls under the commercial quantity and is rather a huge quantity.

In view of the aforesaid position, no ground is made out to grant regular bail to the petitioner, consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

05.04.2022

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |