

CRM-M-18808-2022

Date of Decision: 09.08.2022

NARENDER KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arpandeep Narula, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

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VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 19 dated 09.01.2019 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 379 and 411 IPC at Police Station Sirsa City, District Sirsa.

Custody certificate has been placed on record.

Briefly as per the allegations of the prosecution, on 09.01.2019, the petitioner along with the co-accused were apprehended while they were travelling in a car bearing registration No. DL-9-CM-8838. 2475 tablets of Alprazolam along with 940 tablets and 150 capsules of Tramadol were recovered from the car.

Learned counsel for the petitioner contends that the petitioner was sitting on the rear seat and the contraband has been recovered from the front cabin. The petitioner was innocently sitting in the car unaware of the contraband being carried therein and he is in custody for a period of 3½

On the contrary, learned State counsel submits that the quantity of Alprazolam recovered in the instant case is to the extent of 1883 gms and the quantity of Tramadol is to the extent of 750 gms. Besides the petitioner, there are 3 other accused and all of them are in custody. Moreover, the prosecution has concluded the evidence, the statements of the accused under Section 313 Cr.P.C. have been recovered and the case is fixed for defence evidence in the trial Court.

In the instant case, the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity. As such, stringent provisions of section 37 of NDPS Act come into play. There is nothing to suggest that petitioner has not committed the offence and is not likely to commit the offence, while on bail. It will be too early to conclude that the petitioner was innocently travelling in the car unaware about the contents of contraband being carried therein. Moreover, the prosecution has already concluded the evidence and the case is fixed in the trial Court for defence evidence.

Keeping in view the totality of circumstances, no justified ground is made out to extend the concession of regular bail to the petitioner.

Dismissed.

09.08.2022

Janki

(VIVEK PURI)
JUDGE

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