

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

CRM-M-33766 of 2022 (O&M)

DECIDED ON: 5th August, 2022

Rakesh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Gaurav Khera, Advocate for petitioner.
Ms. Geeta Sharma, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No.392 dated 24.12.2020, under Sections 15 (c), 25, 27-A, 29, 59 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') and Section 7, 7A, 8 of Prevention of Corruption Act, 1988, and Section 192, 196, 201, 202, 203, 217, 409, 166A of IPC added lateron, registered at Police Station Uchana, District Jind.

As per the case set up police party received a secret information that Rakesh Kumar (petitioner) was arrested by CIA-I, Jind. The vehicle bearing registration No.HR-45-C-9998 (hereinafter referred as 'the vehicle') apprehended by the CIA staff was parked in Police Station Uchana. The contraband being carried in vehicle was not reported in the Police Station and the owner was trying to mis-appropriate *Doda Chura Post* loaded in the vehicle. On receipt of the information, checking of the vehicle was done 398 kilograms of *Doda Chura Post* was recovered. It was found that the accused named in FIR No. 388 dated 18.12.2020, under Section 15 of the Act, registered at Police Station Uchana, District Jind, in connivance with police officials have deposited the vehicle seized from Rakesh (petitioner) in the Malkhana, Police Station Uchana, without

Thereafter, the present FIR was registered. The petitioner was taken on production warrants. On his disclosure, co-accused were nominated and arrested.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He has no concern with the seized vehicle. Investigation is complete and co-accused were granted bail by this Court.

Learned State counsel opposes the prayer and submits that the petitioner was apprehended at the spot along with the vehicle from which 398 kilograms *Doda Chura Post* was recovered. She submits that the petitioner is not at parity with co-accused, who were granted bail.

The observations made hereinafter are only for the purpose of deciding the bail petition and shall be construed as an expression of opinion on the merits of the case.

The petitioner was incharge of the vehicle seized by CIA staff, Jind. From the vehicle there was recovery of 398 kilograms and 150 grams of *Doda Chura Post*. Petitioner was apprehended at the spot. Petitioner in connivance with other co-accused and the CIA staff made an attempt to misappropriate the recovered contraband. Section 37 of the Act, provides stringent provisions for grant of bail in cases where recovery is of commercial quantity. Considering the seriousness of allegations and that there is involvement of police officials, no case is made out for grant of bail.

Dismissed.

Since the main case has been dismissed, the pending application, if any is rendered infructuous.

5th August, 2022

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>