

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

CRM-M-41323-2021(O&M)
Date of Decision: March 09, 2022

Rajan Kumar @ Rajan Kumar Bharti

...Petitioner

Versus

The State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Abhinav Aggarwal, Advocate
for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.76 dated 14.04.2020 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Udyog Vihar, District Gurugram. Section 61 of the NDPS Act and Sections 3 and 14 of the Foreigners Act, 1946 were added in the final report under Section 173 Cr. P. C.

The case of the prosecution is that on 14.04.2020 secret information was received that in the front room of shop (Plot No.1 of Housekeeping of the (Rajan) Petitioner and Abhishek, Electronic City, Gurugram a huge quantity of Ganja Patti was lying. On receipt of this information raid was conducted. The petitioner and Abhishek were found present there. 107 kilograms of *ganja* contained in four plastic bags was recovered from the shop. Later, on 15.04.2020, co-accused Noor Islam was arrested from Prahladpur, Delhi, who suffered a disclosure statement and got

recovered 01 kilogram of *ganja* from a place near Shankar Chowk, Udyog Vihar, Gurugram.

Ld. Counsel for the petitioner has primarily argued that the petitioner is not the owner of the housekeeping shop from where the recovery was made. He was only a helper employed therein and was not aware that the bags contained ganja patti. He further argued that the recovered contraband which was described in the FSL report as 'greenish brown vegetative material having flowering/ fruiting tops and seeds etc.' could not be considered as Ganja.

It is not possible to accept the contentions of the Ld. Counsel for the petitioner.

The petitioner and his co-accused Abhishek were present in the room from where the four bags containing the contraband were recovered. Other than a bald assertion that he was only a helper, no material has been placed on record by the petitioner to substantiate the assertion that the petitioner was only a helper and wholly unaware of the contents of the bags and that the shop was owned/ leased by some other person.

Similarly, the other contention of the petitioner that the recovered contraband was not *Ganja* also cannot be accepted in the face of the **FSL Report as per which the test of all the five samples sent for FSL were positive for *Ganja*.**

No doubt, the petitioner is in custody since 15.04.2020 and the trial has been delayed on account of Covid-19 pandemic. But taking into account the quantity recovered, no ground for grant of bail is made out at this stage.

Dismissed.

It is clarified that nothing contained herein shall be construed as
an expression of opinion on the merits of the case.

March 09, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No