

**CRM-M-39399-2020**

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

**CRM-M-39399-2020 ( O & M)**

**Date of decision: 15.03.2022**

Kelvin Mansary @ Orcher Onyeka Obine

...Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. A.S.Berwal, Advocate,  
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Ms. Gurmeet Kaur Gill, Advocate,  
for respondent No.2.

**HARNARESH SINGH GILL, J.(Oral)**

Through this petition, the petitioner seeks regular bail in case bearing Criminal Complaint No.VIII/19/DZU/2020 dated 28.08.2018, under Sections 8 and 21(c) and 22(b) NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner has falsely been involved in the present case; that the petitioner has been in custody since 04.03.2020, and that there is no other case registered or pending against the petitioner, at least of a similar nature.

On the other hand, learned State counsel and learned counsel for respondent No.2 contend that recovery of 255 gram of Cocaine and 30 gram Amphetamine was effected from the house of the petitioner; that during investigation, the petitioner tendered his statement voluntarily under Section 67 NDPS Act, admitting the recovery from his house and his

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involvement in the present case; that during the search of the house of the petitioner, his passport of Republic of Sierra Leone and one identity card were also recovered, and that the petitioner disclosed in his statement that the passport of Republic of Sierra Leone issued in his name is fake, and that the petitioner is a regular offender and a case bearing FIR No.427/17, under Section 3/14 F. Act, Police Station DLF-I, Gurugram, stands registered against him and during the bail in that case, the petitioner was arrested in the present case.

I have heard the learned counsel for the parties.

As per the case of the prosecution, while acting on a tip-off, the petitioner was apprehended from his house and on the search of the same, 255 gram Cocaine and 30 gram Amphetamine were recovered.

Indisputably, the extent of recovery of cocaine, effected in the present case, falls in 'commercial quantity', and is even much beyond the bracket of 'commercial quantity'. The liberal approach in granting bail in cases under the NDPS Act is uncalled for.

Moreover, the passport of Republic of Sierra Leone issued in the name of the petitioner, was found fake and a case bearing FIR No.427/17, under Section 3/14 F. Act, Police Station DLF-I, Gurugram, stands registered against him and during the bail in that case, he was arrested in the present case.

At this stage, there is nothing, so pointed out that there are reasonable grounds for believing that the petitioner is not guilty of an offence under the NDPS Act.

Considering the same, at this stage, no justifiable ground is

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made out to extend the concession of regular bail to the petitioner.  
Consequently, the present petition stands dismissed.

**15.03.2022**  
parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |