

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45779-2021 (O&M)
Date of decision: 28.01.2022

Nitish Kumar Yadav

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Saurabh Bhardwaj, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.281 dated 29.06.2021 under Section 18/61/85 of NDPS Act, registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Rajesh, he received a secret information that Ramashish Kumar Yadav, who was driving the truck bearing registration No.JH-02AP-0794 and petitioner Nitish Kumar Yadav was conductor on the said truck and they, by buying opium from

Bihar-Jharkhand, supply the same to Haryana and Punjab and are coming in the said truck. On basis of the same, an information was sent to the police station for registration of FIR and thereafter, a truck was stopped and Ramashish Kumar Yadav, driver of the truck and Nitish Kumar Yadav (petitioner) were apprehended.

Learned counsel has further submitted that during search, 02 kg 600 grams of opium was found under the driver's seat. It is also submitted that during investigation, it was found that co-accused/driver of the truck was in touch with one Mohmad Faheem Khan and Imran Khan and made 25 calls from his mobile No.91999-07280 to Mohmad Faheem Khan on his mobile No.62012-89365 and made calls 52 times to Imran Khan on his mobile No.85070-01988 and there is no such scientific investigation to show that the petitioner ever made aforesaid calls to co-accused. It is next submitted that the petitioner is a young man aged about 19 years and was only working as conductor; he is in custody since 29.06.2021; he is not involved in any other case and it will be a matter of trial whether the petitioner was having the knowledge about the contraband being carried by co-accused and he was in conscious possession of the same or not.

Learned State counsel submits that challan is yet to be presented, as the police has sought three months' extension from the trial Court for submission of same.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions, this petition is allowed and the petitioner is directed to be

released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.01.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No