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

**CRM-M No. 21509 of 2023 (O&M)
Date of Decision: 01.12.2023**

Bablu Jat

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K.L. Saini, Advocate,
for the petitioner.

Mr. Viney Phogat, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 439 Cr.P.C., prayer has been made for grant of bail pending trial in case FIR No.228 dated 11.09.2019, under Section 15/27-A of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Narwana, District Jind (Haryana).

[2] As per allegations, the petitioner was owner and driver of truck, wherefrom recovery of 68 kgs. of poppy husk was made.

[3] Learned counsel for the petitioner submits that the investigation in the present case stands concluded with the filing of challan and the petitioner is in custody since 05.01.2023.

[4] On the other hand, learned State counsel opposes the prayer while submitting that the petitioner is involved in two other cases and the modus operandi was that the entire poppy husk was being kept in the truck

and was being delivered in different vehicles on the spot, therefore, it was the petitioner, who is responsible for the entire contraband recovered from the spot; thus he does not deserve the concession of regular bail.

[5] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[6] In the present case, the petitioner is in custody since 05.01.2023 and investigation stands concluded with the filing of challan, followed by framing of charges on 23.08.2023; though out of 25 prosecution witnesses, none has been examined so far; thus the trial is likely to take some time. Also, the petitioner was never arrested from the spot and entire recovery, i.e. 68 kgs. of poppy husk, made at the spot, which has been attributed to the truck owner, is a matter of trial.

[7] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

[8] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

December 01, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No