

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

CRM-M-29309-2022

Date of decision: 23.03.2023

Sukhpal Singh

....Petitioner

Versus

State of Haryana

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Suvir Sidhu and
Mr. G.S.Dhillon, Advocate for the petitioner
Mr. J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

1. This the petitioner's 5th attempt to get bail pending trial in a criminal case arising from FIR No.07 dated 21.01.2020 registered under Section 17 (Section 61/85 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Odhan, District Sirsa.

2. In short, it is the case of the prosecution that on a secret information 6.5 kg opium was allegedly recovered from a black coloured polythene bag held in hand by Gauri Shankar alias Gauri. As per the case of the prosecution, the petitioner being purchaser was caught with Rs.1,60,000/-. He was standing near the car. The trial of the case has made substantial progress as 18 witnesses, out of the total 30 witnesses to be examined, have already been examined and on perusal of the order dated 22nd March, 2023, the Special Court has directed the service of notice of the remaining prosecution witnesses through the concerned Station House Officer.

3. Learned counsel representing the petitioner, while referring to the order passed in Sonu Rai vs State of Haryana' CRM-M-16766 of 2022 decided on 2nd June, 2022 submits that a co-accused, who was sitting in the car, has already been granted bail whereas the petitioner was standing near the car.

4. On the other hand, learned State counsel submitted that the petitioner being the prospective purchaser has come at the spot to purchase the contraband.

5. At this stage, it would not be appropriate to express an opinion as to who was in the possession of the contraband. Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, requires stringent directions to be followed before a bail can be granted to the applicant. The recovery falls in the category of the commercial quantity. Moreover, as of now, the trial has made substantial progress.

6. Keeping in view the aforesaid facts, the present petition is disposed of while directing the Special Court to continue with the efforts to expeditiously dispose of the case.

7. All the pending miscellaneous applications, if any, are also disposed of.

23.03.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE