

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
226-A

CRM-M-54-2023

Date of Decision: 17.04.2023

Virender @ Ravinder

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 15.04.2023 filed by learned counsel
for the State is taken on record.

The petitioner has filed the present petition under Section 439
of the Code of Criminal Procedure, 1973 for grant of regular bail in case
FIR No.180 dated 12.04.2022 registered under Sections 20/60 of the
NDPS Act at Police Station Kalanaur, Rohtak, District Rohtak.

According to the prosecution story, on 12.04.2022 ASI Anil,
received a secret information that one Satish, was carrying narcotic
substance in vehicle bearing registration No. HR-16-X-3768 make KIA
Seltos. Report under Section 42 of the NDPS Act was sent to the police
station and *Nakabandi* was done. After some time, the above numbered

vehicle was seen coming from the side of Beri. The same was signaled to stop but its driver did not stop the same and after breaking the barricading, he fled towards Meham. The vehicle was chased by the police party. The driver of the aforesaid vehicle left the said vehicle near Railway crossing and fled away from the spot. ASI Anil, checked the vehicle and from the Diggy, 11 plastic bags were recovered which were found containing Ganja. Each bag was containing 20 Kg. of Ganja and in total 220 Kgs. of Ganja was recovered from the said vehicle which was taken into police possession. On the basis of these broad allegations, the aforesaid FIR was registered.

Learned counsel for the petitioner, *inter alia*, contends that petitioner was not named in the FIR. He has falsely been implicated in the instant case on the basis of disclosure statement suffered by his co-accused, namely, Satish, which is a very weak type of evidence. Nothing was recovered from the petitioner. He was not the owner of the vehicle involved in the present case. The petitioner is not involved in any other case under the NDPS Act. He is in custody since 26.04.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in **(i) Mohd. Muslim @ Hussain vs. State (NCT of Delhi), 2023 LiveLaw (SC) 260** and **(ii) CRM-M-22576-2022, decided on 08.2022, 'Bharat Bhushan Sharma vs. State of Haryana'**.

On the other land, learned State Counsel has opposed the submission made by learned counsel for the petitioner. However, he

fairly conceded the fact that petitioner is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that petitioner is not involved in any other case under the NDPS Act, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Virender @ Ravinder is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/ Chief Judicial Magistrate, concerned.

17.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No