

In the High Court for the States of Punjab and Haryana
At Chandigarh

I) CRM-M-437-2024 (O&M)

Des Raj ... Petitioner

Versus

Union of India through Narcotics Control Bureau, Chandigarh ...Respondent

II) CRM-M-438-2024 (O&M)

Yashwant @ Ritik ... Petitioner

Versus

Union of India through Narcotics Control Bureau, Chandigarh and another

... Respondents

Date of Decision:-12.1.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashpal Thakur, Advocate for the petitioner(s).

Mr. Sanish Girdhar, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
22	25.3.2021	NCB, Chandigarh	8, 20, 25, 27-A, 28, 29, 60 and 62 of Narcotic Drugs and Psychotropic Substances Act

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Des Raj and Yashwant @ Ritik seeking grant of regular bail in respect of abovementioned FIR.

2. The FIR in question was lodged pursuant to receipt of secret information by the Narcotic Control Bureau (NCB) to the effect that Des Raj and Yashwant @ Ritik were involved in drug trafficking and that even on the given day, they were bringing huge quantity of 'charas' from District Kullu, Himachal Pradesh to be delivered to Vijay Kumar son of Mahavir resident of Village Alewa, District Jind, Haryana and that they had concealed the said contraband in their Alto Car bearing registration No.HP-2021 T/R 1780A and would be crossing Dappar Toll Plaza between 12:45 Hrs. to 13:30 Hrs. Pursuant to receipt of said secret information, surveillance was mounted and the team of NCB kept a watch at Dappar Toll Plaza and started observing all the incoming vehicles from Zirakpur side. It is the case of prosecution that at about 01:00 p.m. one Alto Car bearing registration No.HP-2021 T/R 1780A was noticed and was signaled to stop. The persons sitting in the said car disclosed their names as Des Raj and Yashwant. It is further the case of prosecution that upon extensive search of the vehicle, 21.370 kilograms of 'charas' was found to be concealed in various parts of the car i.e. in the doors, dickey, below wiper panel etc.
3. Dr. Anju Sharma, Advocate has put in appearance on behalf of the respondent – NCB in both the cases and has filed *Vakalatnamas*, which are taken on record.
4. Learned counsel representing the respondent – NCB filed status reports in both the cases by way of affidavit of Shri Amar Shankar, Intelligence Officer (I.O.) the Narcotics Control Bureau (NCB), Chandigarh, which are taken on record.

5. Learned counsel representing the petitioners submits that the petitioners have been falsely implicated in the present case and that the petitioners otherwise have been behind bars for a substantial period of about 2 years, 9 months and 20 days and, as such, their further detention is not justified.
6. Opposing the petition, learned counsel representing the respondent – NCB has vehemently argued that it is a case where huge quantity of contraband has been recovered and as a matter of fact the accused during the course of interrogation admitted that they had been indulging into drug trafficking and even on various previous occasions had brought contraband from Himachal Pradesh to the States of Punjab and Haryana. Learned counsel representing the respondent – NCB has also pointed out that while petitioner - Des Raj (in CRM-M-437-2024) stands involved in two complaints lodged under provisions of Section 138 of Negotiable Instruments Act, petitioner – Yashwant @ Ritik (in CRM-M-438-2024) is involved in a case registered for offence under Section 323 IPC. Learned State counsel representing State of Punjab has filed custody certificates of the petitioners indicating the custody of both the accused to be 2 years, 9 months and 20 days. It has also been informed that as on date 7 PWs out of the cited 15 PWs have been examined.
7. This Court has considered the rival submissions addressed before this Court.
8. It is no doubt correct that huge quantity of contraband is stated to have been recovered from the petitioners. However, both the petitioners have been behind bars for a substantial period of about 2 years, 9 months and 20 days. Conclusion of trial is likely to consume time inasmuch as only 7 PWs out of the cited 15 PWs have been examined till date. The petitioners otherwise are not involved in any other offence under NDPS Act on any previous occasion

though they are involved in minor offences in the nature of Section 323 IPC or Section 138 of Negotiable Instruments Act. In these circumstances, further detention of the petitioners will not be justified. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.
- A copy of this order be placed on the file of connected case.

12.1.2024
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(Gurvinder Singh Gill)
Judge

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