



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-10447-2024

Date of decision: 28.10.2024

Himanshu Verma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vijay Pratap Singh, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.354 dated 27.06.2023 under Sections 15C and 27-A (added lateron) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City Tohana, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case for being found in conscious possession of 57 kgs 990 grams of poppy husk, which is just marginally higher than the minimum classified as 'commercial' under the NDPS Act. It has been submitted by learned counsel that after the petitioner was arrested not only has challan been presented but even charges framed, however, 19 prosecution witnesses still remain to be examined, hence, there is no possibility of the trial concluding in the near future, for which he deserves to be enlarged on



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bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the petitioner is involved in three other cases under the NDPS Act; a secret information was received with respect to the involvement of the petitioner in drug trafficking. At the time when the secret information was received, the petitioner had been enlarged on bail in the other three cases registered against him under the NDPS Act. Pursuant to the secret information received, when the police party raided the house of the petitioner, recovery in question i.e. 57 kgs 990 grams of poppy husk was effected. It has been asserted by learned State counsel that it is evident that the petitioner is a habitual offender and had misused the liberty which had been granted to him in the other NDPS cases registered against him. It has been argued by the learned State counsel that keeping the criminal antecedents of the petitioner in mind, there is every likelihood that he could yet again be involved in drug trafficking or even abscond. It has been further submitted by the learned State counsel that out of the 21 prosecution witnesses cited, 02 stand examined and there is every likelihood that the trial would not take much time to conclude as all the witnesses cited are police officials.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. *Prima facie*, the petitioner indeed comes across as a habitual offender. He apparently has misused the concession of bail

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which was granted to him in the three other cases pending against him and which were registered in the year 2019 and 2020, when he was yet again booked in the present FIR. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is hereby dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

28.10.2024

Vinay

(MANJARI NEHRU KAUL)**JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No