

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11247 of 2023 (O&M)
Date of Decision: 05.01.2024

Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Karajveer Singh, Advocate for
Mr. Deepak Kundu, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.808 dated 20.09.2022, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station, Samalkha, District Panipat.

(2) Allegations are that petitioner-Sonu and co-accused Ram Dass were apprehended while being in possession of 21.5 Kg. & 22.5 Kg. 'Ganja', respectively, without any license.

(3) Contends that there is non-compliance of Section 50 of the NDPS Act inasmuch as the Gazetted Officer was not associated at the time of seizure of contraband from the petitioner. Also contends that petitioner has been

falsely implicated by the police. Lastly contends that the alleged recovery is marginally higher than the commercial i.e. 21.5 Kg. *Ganja*.

(4) *Per contra*, learned State Counsel, upon instructions, opposed the prayer while submitting that petitioner is facing two other cases under the NDPS Act and out of total 13 prosecution witnesses, 10 have already been examined; thus, the trial is at the fag end.

(5) Heard both sides and perused the paper-book.

(6) Concededly, alleged recovery of 21.5 Kg. *Ganja* from the petitioner is commercial in nature and FSL report has already been received in this regard. Apart that, petitioner is facing two other cases under the NDPS Act. So far as the factum of joining the Gazetted Officer is concerned, the same has been duly substantiated by learned State Counsel while producing the Order dated 29.08.2022 and which is taken on record as Mark ‘X’.

(7) In view of the above, this Court is not inclined to grant bail pending trial to the petitioner. As a result thereof, there is no option except to dismiss the petition at this stage.

(8) Ordered accordingly.

(9) The above observations may not be construed as an expression of opinion on merits of the present case in any manner.

(10) Pending application(s), if any, shall also stand disposed off.

5th January, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>