



CRM-M-16421-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-16421-2024

Date of decision: 6th November, 2024

Raju Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 512 dated 20.06.2023 registered under Section 17-C of Narcotric Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS') at Police Station Civil Line, Sirsa, District Sirsa.

2. As per the prosecution case, on 20.06.2023, the petitioner and co-accused were apprehended on the basis of secret information at Bus Stand, Sirsa. On conducting search of the bag carried by the petitioner, 3 kgs. 30 grams of opium was recovered from the same. After completion of necessary investigation and usual formalities, challan was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the trial Court for grant of regular bail but the same had



been dismissed vide order dated 14.02.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 20.06.2023. He is not involved in any other case. Trial is likely to take time. No useful purpose would be served by detaining him in custody anymore. The co-accused Anil Kumar Yadav @ Anil Kumar has since been extended benefit of pre-arrest bail. On parity, he too deserves to be released on bail. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that the petitioner was apprehended by the police party on 20.06.2023. Recovery of contraband was effected from the petitioner. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. As per the allegations, the petitioner was apprehended by the police party on 20.06.2023 and recovery of 3 kgs and 30 grams of opium was effected from him. Trial is going at a proper pace. So far as the claim of the petitioner with regard to parity with the co-accused, who has been granted benefit of bail, is concerned, it can be stated that the case of the petitioner is not on similar footing with that of the co-accused as no recovery



was effected from the co-accused, whereas the petitioner was apprehended at the spot. Since the quantity of recovered contraband falls under the commercial quantity, hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The apprehension expressed by learned State counsel that the petitioner may indulge in similar offences, if released on bail, cannot be stated to be unfounded. Therefore, keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th November, 2024

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No