



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-19248-2024

Date of decision: 19.09.2024

Aslam

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Nehra, Sr. Advocate with
Ms. Himani Anand, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, 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.873 dated 14.12.2023 under Sections 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Shahabad, District Kurukshetra (Section 29 of the NDPS Act added lateron).

2. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is shown to have been arrested pursuant to a secret information received by the police that he along with the co-accused were transporting opium. Learned senior counsel submits that a false recovery of 3 kgs of opium (commercial quantity) has been planted upon the petitioner. Learned senior counsel further submits that after the petitioner was arrested, not only has challan been presented but even charges framed, however,



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none of the 19 prosecution witnesses have been examined till date, hence, possibility of the trial concluding in the near future seems unlikely.

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 a habitual offender as it is a matter of record that he has previous criminal antecedents – one case stands registered against him under the NDPS Act in Haryana wherein he was extended the concession of anticipatory bail on 05.05.2022 while in the second case he has been booked under the NDPS Act in the State of Punjab. Learned State counsel has submitted that in both the other cases which stand registered against the petitioner, he was found in possession of opium. Learned State counsel has still further submitted that a tip off was received qua the involvement of the petitioner in transporting of opium and it was only then after due compliance of all the mandatory provisions of the NDPS Act, the petitioner was apprehended at the spot and a huge recovery of 3 kgs of opium, which has been classified as commercial under the NDPS Act, was effected.

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

5. Prima facie, the petitioner comes across as a habitual offender since it is a matter of record that in the present case he was allegedly apprehended at the spot pursuant to a secret information received. Pertinently, the petitioner was on anticipatory bail in a

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previously registered case against him, and that too under the NDPS Act. Hence, evidently the petitioner has misused the concession of bail granted to him in the other criminal cases pending against him. In the facts and circumstances as enumerated hereinabove, moreso when the petitioner has been in custody for only about nine months, no ground is made to extend the concession of bail to him, out at this stage.

6. Accordingly, the instant petition is 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.

19.09.2024

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(MANJARI NEHRU KAUL)**JUDGE**

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