



CRM-M-22262-2024

-1-

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-22262-2024
Decided on : 24.07.2024

Rajesh Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Balwinder Sagwan, Advocate with
Mr. S.S.Brar, Advocate and
Mr. Krishna Maurya, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.67 dated 25.01.2024 under Section 20 of NDPS Act, 1985 (Section 29 of NDPS Act added later on) registered at Police Station Majesar District Faridabad.

2. Learned counsel for the petitioner contends that the recovery allegedly affected i.e. 1.200 kgs of ganja was little more than the minimum prescribed as "small quantity" under the NDPS Act. It has been submitted that though it is a case based on secret information, since investigation is complete as challan stands presented and charges stand framed, further incarceration of the petitioner would serve no useful purpose; the trial would take



considerable time to conclude, more so, when 14 witnesses have been cited by the prosecution.

3. Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. Learned State counsel on instructions from ASI Chander Shekhar, has submitted that a specific secret information was received qua the involvement of the petitioner in drug trafficking. Pursuant to the secret information, the petitioner was apprehended at the spot and after due compliance of all the mandatory provisions of NDPS Act, the aforesaid recovery, though marginally higher than the small quantity, was affected from his conscious possession. Learned State counsel has placed on record the custody certificate of the petitioner and submitted that a perusal of the custody certificate leaves no manner of doubt that the petitioner is a habitual offender as he is involved in four other cases under the NDPS Act and the present case was registered against him while he was on bail in one of those cases. It has also been submitted by the State counsel that the custody certificate also reflects the involvement of the petitioner in cases under the Excise Act and for offences under Indian Penal Code. A vehement prayer has been made by the State counsel for dismissal of the instant petition as there is every likelihood that in the wake of petitioner's antecedents, he could yet again be involved in cases under the NDPS Act.

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



5. A secret information was allegedly received qua the involvement of the petitioner in drug trafficking. After due compliance of all the mandatory provisions of the NDPS Act, the alleged recovery was affected from the petitioner. The petitioner *prima facie* comes across as a habitual offender and has apparently misused the concession of bail, which was granted to him in another criminal case registered against him.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands 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.

24.07.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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