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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-25792-2024

Date of Decision:- 02.07.2024

Sonu Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Sonu Kumar has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 13 dated 07.02.2024 under Section 22-B of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Loharu, District Bhiwani, Haryana.

2. As per the facts of case, on 07.02.2024, SI Toofan Singh and his police party was on patrol duty at Bus Stop Pahadi where he received secret information from reliable source that Naveen son of Satender, Sheoran and Sonu sons of Raj Pal are doing business of selling intoxicant material and on that day they were coming on bike bearing No. HR-18-E-4884 HF Deluxe from the side of Jhanjhara towards Pahadi and if the raid was conducted they could be apprehended with intoxicant material. On the basis of this information, notice under Section 42 of NDPS Act was

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information and a motorcycle bearing No. HR-18E-4884 was apprehended on which two youth were seen coming. After following the procedure as provided under NDPS Act, search of both the accused was conducted in presence of Sh. Anil Gupta SDO DHBVAN, Loharu. The person driving the motorcycle disclosed his name as Sonu and the person who was pillion rider disclosed his name as Naveen and from their possession 14.086 kg intoxicant material Ganja was recovered. On the basis of this recovery, they were arrested in this case.

3. Learned counsel for the petitioner argued that he is falsely implicated in this case. No proper procedure was followed before effecting the said recovery. The contraband was recovered from plastic gunny bag which was in possession of pillion rider Naveen who is already on bail. The present petitioner had no knowledge about the contents in the said gunny bag. He has already joined the investigation. It is prayed that his regular bail may be allowed.

4. Bail application is opposed by learned counsel representing the State. Detailed status report has been perused. It is a case of recovery of 14.086 kg Ganja which falls under non-commercial quantity. Naveen co-accused has been granted regular bail by giving benefit under Section 167(2) Cr.P.C. vide order dated 16.04.2024 which is Annexure P-3. After the completion of investigation, the challan was presented in the Court and at present the case is fixed for prosecution evidence. The allegations levelled against the present petitioner are serious in nature. Therefore, his regular bail application may be declined.

5. I have considered the arguments and have gone through the record carefully. The perusal of status report shows that after the completion of

investigation, the trial is under progress and only one prosecution witness has been examined. The co-accused Naveen has already been granted regular bail vide order dated 16.04.2024. Trial of this case is likely to take some time. Present petitioner is behind the bar. As per custody certificate, he is not involved in any other case. Considering these facts, regular bail application filed by the petitioner – Sonu Kumar is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. The petition is accordingly, accepted.
7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

02.07.2024
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No