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

CRM-M-44731-2024

Date of Decision:- 18.12.2024

Tahir

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Virat Rana, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner Tahir has filed regular bail petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 76 dated 20.03.2024, under Section 20, 25, 29 (Act No. 61) of Narcotics Drugs and Psychotropic Substances Act, 1985 and Section 120-B, 201 of IPC, registered at Police Station Punhana, District Nuh.

2. As per the facts of case, on 20.03.2024, ASI Gopal Singh and police party was present at the turn of Jhurkheda when secret information was received by Investigating Officer that a Tata Canter apprehended on the intervening night of 16/17.03.2024 on Sikrawa road is having narcotic substance i.e. Ganja patti concealed in a separate box made in rear body of driver's cabin, window of which opens from roof of Canter. On getting this information, it was revealed that on 16/17.03.2024, SI Yashpal along with police party had apprehended Tata Canter near *Naka Bandi*, which was

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left on the spot and driver had fled away from there. Said Tata Canter bearing registration No. MH-12-HD-1791 was brought to Police Station Punhana and was impounded. Thereafter, Investigating Officer in presence of Duty Magistrate Sunil Kumar, Tehsildar, Punhana conducted search of aforesaid Canter as per rules and on checking of roof, 20 packets were recovered from a separate secret box in body of vehicle which contained Ganja, total weight 596 Kg 200 Gms. On the basis of recovery, present FIR has been registered.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. No recovery was effected from him. Said Tata Canter was already in police possession when alleged contraband was recovered with a gap of four days. Present petitioner is neither owner nor driver of said vehicle. As per police investigation, said truck is owned by Sameer Sharad Pange, who is not arrayed as an accused. Present petitioner was subsequently named and false recovery of 10 Kg 200 Gms. of Ganja was planted on him. He is behind bars since 27.03.2024. There is no concrete evidence to connect him with the said crime. He is ready to face trial. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed confirming facts detailed in FIR as well as manner in which recovery of contraband was effected. Supplementary statement of ASI Gopal Singh was recorded, who named present petitioner Tahir, Jameel, Khalil, and Sabir, who had got the contraband from Odisha. Disclosure statement of Tahir is Annexure R-1.

Total recovery of Ganja is 606 Kg 400 Gms., which falls in commercial

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quantity. Present petitioner was in constant touch with co-accused in Odisha and driver of the vehicle through WhatsApp calls, which were deleted later on. Challan in this case has been presented on 19.07.2024 and case was adjourned for framing of charge-sheet, for 07.11.2024. It is argued that petitioner is main accused. Considering the huge recovery, he is not entitled to be released on bail.

5. I have considered the aforesaid facts. It is matter of record that said vehicle was apprehended by ASI Gopal Singh on the intervening night of 16/17.03.2024 at the place of *Naka Bandi* and driver of said vehicle absconded, leaving the vehicle on the spot. Vehicle was brought to police station. At that point of time, no recovery was effected. Later on, secret information was received that contraband was concealed in a secret box on the rear side of Canter. Thereafter, in the presence of Duty Magistrate, said Canter was again searched and from the secret box, 20 bags of Ganja were recovered. Total quantity of contraband was 596 Kg 200 Gms. During the course of investigation, present petitioner was arrested on 27.03.2024 and from his possession 10 Kg 200 Gms. of Ganja and one mobile phone were recovered. It is a case of recovery of huge contraband falling in commercial quantity. Challan has already been presented on 19.07.2024 and case was adjourned for framing of charge sheet. There are specific and serious allegations coupled with huge recovery falling in commercial quantity. Therefore, considering the stringent provisions of Section 37 of NDPS Act, I do not find a fit case for the grant of regular bail to petitioner and petition filed by him is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

18.12.2024

(AMARJOT BHATTI)
JUDGE

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No