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

CRM-M-52078-2023

Date of Decision:- 21.08.2024

SAHANAVAJ @ SHAHANAVAJ

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Sahanavaj @ Shahanavaj has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.649 dated 14.07.2023 under Sections 22 (c) of NDPS Act [Section 29 of NDPS Act added later-on] registered at Police Station Samalkha, Panipat.

2. Facts of the case are that on 14.07.2023 SI Subhash Chand and the police party were on routine patrolling on Juraim Hathwala Road Smalakha, Panipat. One secret informer met SI Subhash Chand and disclosed that Ishwar @ Billa was dealing in supply of illegal drugs, injections in large quantity and at that time he was coming from the side of railway road Smalakha leading towards Panipat and huge quantity of drugs/intoxicants can be recovered from him. On the basis of this information, separate notice under Section 42 of NDPS Act was sent to the Police Station. The Investigating Officer along with the police party reached Government Bus Stand Samalkha, Panipat where one person

started running away on seeing the police vehicle. Said person was



controlled who disclosed his name as Ishwar @ Billa. His search was conducted as per Rules and from the bag in his possession 200 injections of Buprenorphine Injection IP 2 ML each injection of 2 ML or Pheniramine Maleate Injection I.P. AVIL and 150 injections of AVIL 10 ML, a total of 350 injections of 10 ML each were recovered. After completing all the formalities, accused was arrested and contraband was taken into police possession. During investigation disclosure statement of Ishwar @ Billa was recorded and the name of present petitioner came into picture.

3. Learned counsel for petitioner argued that he was arrested on 17.07.2023 on the disclosure statement of co-accused Ishwar @ Billa, (Annexure P-2) present petitioner was named. No contraband was recovered from his possession except five currency notes of Rs.500/- each total Rs.2500/-. He was wrongly picked up by the police. Contraband falling in commercial quantity was recovered from co-accused. He is ready to abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State of Haryana. Detailed status report has been filed in which role of present petitioner is confirmed that he was named by co-accused Ishwar @ Billa. Disclosure statement is Annexure P-2. On arrest of present petitioner on 17.07.2023, cash of Rs.2500/- was recovered which was taken into police possession.

Learned counsel representing State alleged that that there are serious allegations against petitioner. He is specifically named by co-accused. He is involved in another FIR No.115 of 2022 under Sections 8, 21 and 22 of NDPS Act, Police Station Kairana, District Shamli, U.P.



Therefore, he is not entitled to be released on bail.

5. I have considered the arguments and facts of the present case. As per the facts narrated above, contraband falling in commercial quantity was recovered from accused Ishwar @ Billa. Present petitioner is named in his disclosure statement and on his arrest no contraband was recovered from his possession. There is recovery of cash of Rs.2500/- from his possession. He was arrested in this case on 17.07.2023 since then he is behind the bars. As per status report challan is already presented and at the time of filing of status report, case was fixed for arguments on charge. Therefore, trial of this case is likely to take long time.

6. Considering the aforesaid facts and without going on the merits of the case, regular bail application is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

7. The petition stands accepted.

8. Pending application (s) if any also stands disposed of.

21.08.2024

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(AMARJOT BHATTI)
JUDGE

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