



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-53489-2024

Date of decision: 04.11.2024

Manoj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Mohunta, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.185 dated 10.04.2024 under Sections 20, 29A, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Thanesar, District Kurukshetra.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 10.04.2024 in a case of false implication. Allegedly a secret information was received qua his involvement in drug trafficking and thereafter a recovery of 1 kg 100 grams of charas was stated to have been effected from his conscious possession. Learned counsel submits that the petitioner's false implication in the present case is evident from the fact that he has no previous criminal antecedents. It has also been submitted that since



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charges already stand framed, his further incarceration in the aforementioned facts and circumstances would serve no useful purpose, moreso when none of the 13 prosecution witnesses have been examined till date. A prayer has, therefore, been made to enlarge the petitioner on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has drawn the attention of this Court to the FIR which has been annexed as Annexure P-1. It has been contended by the learned State counsel, on instructions, that a specific secret information with respect to the petitioner's involvement in drug trafficking was received. Following the secret information when the petitioner was intercepted by the police, recovery of 1 kg 100 grams of charas was effected, which has been classified as 'commercial' under the NDPS Act. It has been further submitted that after charges were framed as recently as on 10.10.2024, the case was now fixed for 28.11.2024 for recording of the prosecution evidence. Hence, the trial had been proceeding at a considerably good pace and there was every likelihood that the trial would not take much time to conclude. A prayer has, therefore, been made for dismissal of the instant petition.

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

5. As per the case of the prosecution, following a tip off, the petitioner was allegedly intercepted by the police and a recovery of 1 kg 100 grams of charas was effected from him after due compliance of



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mandatory provisions of the NDPS Act. The first date fixed before the learned Trial Court for recording of evidence is 28.11.2024. In the circumstances, it is evident that there has been no inordinate delay in the conclusion of the trial. Keeping in view the nature and quantity of the contraband allegedly effected from the petitioner, this Court does not deem it fit to extend the concession of bail to him. The instant petition stands dismissed accordingly.

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.

04.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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