

[231] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57029-2023
Date of Decision : 05.03.2024

Akash Sharma ...Petitioner
versus
State of HaryanaRespondent

Coram : **HON’BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. Baljeet Beniwal, Advocate with
Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

[1] By way of this petition filed under Section 439 Cr.P.C., petitioner is seeking regular bail in case FIR No.41 dated 05.02.2022 under Section 20 of the NDPS Act, 1985 (later on Sections 419 & 420 IPC added), registered at Police Station Asauda, District Jhajjar.

[2] Custody certificate dated 04.03.2024 has been filed in Court today. The same is taken on record.

[3] As per prosecution allegations, secret information was received by a police party against one Akhtar Alam to be involved in supply of intoxicants. After making the necessary statutory compliances, barricading was done. The suspect was apprehended, who disclosed his name as Akhtar Alam and from his possession, 13 Kg. and 510 grams of *charas* was recovered, which was taken into possession after making necessary compliances. However, during investigation, said accused Akhtar Alam disclosed that his original name was Akash Sharma (present petitioner) and thus he has impersonated as Akhtar Alam. Sections 419 &

[4] It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated; that petitioner is in custody for the last more than 02 years; that he is not involved in any other case; that trial may take time to conclude and so he be allowed bail.

[5] Strongly opposing the bail petition, learned State Counsel pointed out that recovered quantity of contraband i.e. 13 Kg. and 510 grams of *charas* is much higher than the commercial category, which starts from 01 kg. It is also informed that out of 20 witnesses cited by the prosecution, 11 witnesses have already been examined. Learned State Counsel also submits that the petitioner disclosed his name so as to mislead the police party as Akhtar Alam, though later on, it was found that his name was Akash Sharma i.e. the petitioner.

[6] Prayer is made for rejecting the petition.

[7] Having regard to the huge quantity of contraband as recovered from the petitioner and the fact that most of the prosecution witnesses have already been examined but without commenting anything further on the merits of the case, this Court is not inclined to grant benefit of regular bail to the petitioner.

[8] Dismissed.

(DEEPAK GUPTA)
JUDGE

05.03.2024
'Rajneesh'

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