



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

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**CRM-M-56044-2024
Date of Decision: 18.11.2024**

SOMBIR

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sunil Sihag, Advocate for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the third petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.182 dated 03.06.2022 registered under Section 20 and 29 (added later on) of NDPS Act, 1985, at Police Station Purani Sabzi Mandi, Rohtak, Rohtak (Haryana).

2. As per allegations in the FIR, the police had received a secret information that the present petitioner alongwith his co-accused were involved in trade of narcotics substance. On the basis of this information, the present petitioner was arrested on 03.06.2022. Recovery of 1 kg 400 grams of charas was effected from the car of the present petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He further submits that the alleged recovery does not belong to the petitioner as



he is not the registered owner of the said car. Learned counsel further submits that the petitioner was arrested in the present case on 03.06.2022 and is in custody since then. He further submits that co-accused Sunny has already been granted the concession of regular bail by the trial Court, vide order dated 22.05.2023. Learned counsel for the petitioner has relied upon the law laid down by the Hon'ble Supreme Court in the matter of SLP No. 6690 of 2022, titled as “Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”, in which the Hon'ble Supreme Court held as follows:-

“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured ' Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of



criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed. 4. For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court.”

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the quantity of contraband recovered from the petitioner is commercial in nature and the rigors of Section 37 of NDPS Act would apply to the facts of the present case. However, learned State counsel admits that there is no other criminal case under NDPS Act against the present petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner was arrested on 03.06.2022 and is in custody since then. There is no other criminal case against him. The co-accused Sunny has already been granted the concession of regular bail by the trial Court, vide order dated 22.05.2023.

7. Consequently, keeping in view the above stated facts and the law laid down by the Hon'ble Supreme Court in the matter of Dheeraj Kumar Shukla's case (Supra), the petitioner is ordered to be



released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

18.11.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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