



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

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CRM-M-61413-2023

Date of decision: 15.10.2024

Ramesh @ Kali

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Vivek K. Thakur, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail in a petition filed under Section 439 of the Cr.P.C. in a case FIR No.429 dated 13.05.2023 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Samalkha, District Panipat.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, as is evident from the fact that the recovery of contraband was not made from the petitioner's conscious possession but from the car. It has been argued that merely because the petitioner was driving the said vehicle, it cannot be presumed that he was aware of the contents of two bags which had been loaded in the trunk of the car. Additionally, it has been contended by the learned counsel that the petitioner has been in custody since 13th of May, 2023, and that the investigation has concluded with the challan already presented. However,



since charges are yet to be framed, the petitioner is entitled to the concession of bail, especially given that there is no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel for the petitioner. It has been submitted by the learned State counsel, on instructions, that secret information was received with respect to the petitioner's involvement in the crime in question. Acting on this tip-off, the petitioner was apprehended at the spot and a huge recovery of 42Kgs. of Ganja was made from the car, which was being driven by none other than the petitioner. It has been submitted by the learned State counsel that the alleged recovery was made after due compliance of all the mandatory provisions of the Act and in the presence of a Gazetted Officer. Learned State counsel has further asserted that the quantity of contraband i.e. 42Kgs. of Ganja, recovered from the car exceeds the threshold for classification as commercial under the Narcotic Drugs and Psychotropic Substances Act, 1985 Act, thereby invoking the stringent provisions of Section 37 of the Act. It is also submitted by the learned State counsel that the petitioner is facing trial in another criminal case under Section 302 of the IPC. A prayer has, therefore, been made for dismissal of the instant petition.

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

5. *Prima facie*, there are grave and specific allegations against the petitioner, who was allegedly apprehended based on a tip-off, and a



huge recovery of Ganja (42 Kgs.) was made from him. Furthermore, the provisions of Section 37 of the NDPS Act also impose a bar on granting bail, where the contraband recovered is classified as commercial. Moreover, although the challan was presented on 8th of November, 2023, charges are yet to be framed. Consequently, in the light of the grave and specific allegations made against the petitioner and the stage of trial, this Court does not deem it fit to extend the concession of regular bail to the petitioner.

6. Accordingly, the instant petition is dismissed. 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.

October 15, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

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