



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-63442-2024 (O&M)
Date of Decision:- 20.12.2024

Raj Kishore ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K.Tripathi, Advocate, for the petitioner.
Mr. Vishal Kashyap, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
381	21.11.2024	Sector 65, Gurugram, District Gurugram	20(b)(ii)(b) of NDPS Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged pursuant to receipt of secret information to the effect that two persons namely Suresh Kumar and Raj Kishore indulged in supplying ‘*Ganja*’ and that even on the given day they were proceeding on a black coloured motorcycle bearing registration No. HR-98R-5178 while carrying contraband. Pursuant to receipt of said information the police was able to apprehend the aforesaid two persons out of whom one was carrying a yellow coloured bag. The said persons disclosed their names as Suresh Kumar and Raj Kishore.



Upon their respective searches, Raj Kishore (petitioner) was found to be carrying an amount of Rs.1300/- cash stated to be 'drug money' whereas the bag being carried by Suresh Kumar was found to contain 1.426 Kg of '*Ganja*'.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that in any case even as per the case of prosecution he was not found to be carrying any contraband and was carrying a meager amount of Rs.1300/- only which under normal circumstances any person could be carrying for his personal/domestic use and is not a huge amount.
4. Opposing the petition, learned State counsel submitted that since there was specific prior information against the petitioner and the co-accused and that they were found together and the co-accused was actually carrying contraband, his complicity is clearly evident and he can safely be attributed conscious possession of the contraband recovered from the yellow bag carried by co-accused. It has been informed that as on date the petitioner has been behind bars since the last about one month and otherwise is not involved in any other case.
5. This Court has considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was not himself found to be carrying any contraband and was carrying an amount of Rs.1300/- only which according to the prosecution is stated to be 'drug money' and while also noticing that the petitioner has a clean record, this



Court is of the opinion that it is a fit case for grant of bail to the petitioner. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.12.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No