

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****Date of Decision : February 04, 2025
CRM-M-49904-2024****Bal Kishan @ Bala****. . . . Petitioner**

Vs.

State of Haryana

.. . . RESPONDENT*** * * *****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Parveen Sharma, Advocate for the petitioner.**DEEPAK GUPTA, J.**

By way of this petition filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (old Section 439 Cr.P.C.), petitioner prays for his release on regular bail in case FIR No.148 dated 30.03.2022, under Sections 20(b)(ii) C, 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Rai, Sonapat, District Sonapat.

2. This is the third petition. The first petition of the petitioner bearing CRM-M-11490 of 2023 (Annexure P-2) was dismissed on merits vide order dated 07.10.2023; whereas the second petition for the purpose was dismissed as withdrawn by this Court vide order dated 13.03.2024 passed in CRM-M-4191-2024 (Annexure P-3).

3. As per prosecution allegations, 535 Kg. of ganja kept in 18 bags was recovered on 30.03.2022 from Ramphal and petitioner – Bal Kishan from a canter vehicle when the same was intercepted by the police. Petitioner at that time was driving the said vehicle.

4. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that the vehicle from which the

recovery was effected does not belong to the petitioner as the registration certificate is not in his name and so there is no link evidence to connect him with the recovery. It is further contended that petitioner was only hired by the main accused as a Driver to go to the local area in the vehicle of the accused and that petitioner was unaware about the material occupied in the vehicle. It is also contended that false implication of the petitioner can be verified from the tower location.

5. Notice of motion.

6. Mr. R.K.S. Brar, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.

7. A perusal of the order dated 07.10.2023 (Annexure P-2) would reveal that the aforesaid contentions as raised by the petitioner were duly considered by this Court. While rejecting the first bail petition, it was also noticed that during the disclosure statement of co-accused – Ramphal had disclosed that when petitioner was hired by him for bringing the contraband from Brahampur (Orissa), he (petitioner) was duly informed of the said fact.

8. Having noticed the above-said facts and circumstances, particularly huge recovery of contraband from the conscious possession of the petitioner and co-accused and that there is no material change in the circumstances, but without commenting upon the merits of the case, this Court is not inclined to grant the benefit of bail to the petitioner.

Dismissed.

February 04, 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No