

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

210

**CRM-M-23536-2024 (O&M)
Date of Decision:- 21.03.2025**

CHARAN SINGH

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
286	09.06.2022	20 NDPS Act	Hodal, District Palwal

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has no concern whatsoever with the alleged recovery and he has no criminal antecedents. He further contends that co-accused Devdutt and Naved Khan have already been granted the concession of bail. He submits that the petitioner is in custody since 09.06.2022 and after the completion of investigation, challan has been presented in Court

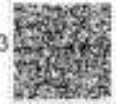


and the conclusion of trial will take sufficient long time. Thus, prays for grant of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner happens to be the driver of the tractor, which was apprehended by the police, carrying 179.50 KG of *ganja patti*. He submits that the recovery falls within the purview of commercial quantity. Thus, the petitioner does not deserve the concession of bail.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution the police party received a secret information regarding some persons transporting *ganja patti* in huge quantity and they could be apprehended by laying barricades. Accordingly, a *nakka* was laid and after some time, a car was seen trying to abruptly turning back, which was piloting the tractor driven by the petitioner, however, they were overpowered by the police party. On checking of the tractor, 179 kg and 550 grams of *ganja patti* was recovered from the tractor, while 5 kg of *ganja patti* was recovered from the car, which was piloting the tractor. Therefore, a total recovery of 184.50 kg (approximately) of *ganja patti* was effected, which falls within the purview of commercial quantity, thus, hit by the provisions of Section 37 of the NDPS Act. Moreover, the case of the petitioner is not at par with co-accused Devdutt and Naved Khan, who have been granted the concession of bail, as the recovery effected from the car in which they were travelling was only 5 kg. The petitioner was allegedly



driving the tractor from which huge quantity of contraband had been recovered.

6. Therefore, in these circumstances, considering the serious nature and gravity of offence involved, the petitioner is not entitled to the concession of bail at this stage. Accordingly, the present petition is dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.03.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No