SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Present: Vs. State of Haryana

Present: Vs. State of Haryana

SooperKanoon Citation : sooperkanoon.com/1038786

Court : Punjab and Haryana

Decided On : Nov-21-2012

Appellant : Present:

Respondent : State of Haryana

Judgement :

Crl.M.not M-36341 of 2012(O&M) -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M.not M-36341 of 2012(O&M) Date of Decision: November 21, 2012 Rajesh ...Petitioner v.

State of Haryana .....Respondent CORAM: HON'BLE MR.JUSTICE RAM CHAND GUPTA Present: Mr.Atul Lakhanpal,Sr.Advocate with Ms.Neha Lakhanpal, Advocate for the petitioner.....RAM CHAND GUPTA, J.(Oral) Crl.M.No.69180 of 2012 Application is allowed subject to all just exceptions.

Crl.M.not M-36341 of 2012 The present petition filed under Section 439 Cr.P.C.is for grant of bail to the petitioner in case FIR No.223, dated 24.6.2011, under Sections 15, 18, 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short the `Act') registered at Police Station Sadar Fatehabad, District Fatehabad.

I have heard learned counsel for the petitioner and have gone through the whole record carefully.

This is third application filed on behalf of the petitioner for bail.

His fiRs.application was got dismissed as withdrawn vide order dated 14.3.2012 passed in Crl.M.not M-7327 of 2012.

Second application was also got dismissed as withdrawn vide order dated 2.7.2012 passed in Crl.M.not M-16883 of 2012.

Brief allegations against petitioner-accused are that he alongwith co-accused Vinot was intercepted by the police while coming in a car bearing not HR22F-2236.

Car was being driven by co-accused Vinot and present petitioner was sitting alongwith him.

On search, one bag containing 1 kg 500 grams of opium was recovered, which was being Crl.M.not M-36341 of 2012(O&M) -2- placed in between driver and the present petitioner on the front seat and three bags were recovered from the rear seat containing 60 kg of poppy husk.

The recovery is commercial in nature.

It has been contended by learned counsel for the petitioner- accused that he has been continuing in custody for the last about 1-1/2 years and that no witness has been examined so far.

It is further contended that recovery of poppy husk is marginal higher than the commercial quantity.

It is also contended that petitioner is having no concern with the said car.

However, be that as it may, recovery from petitioner-accused is commercial in nature.

Hence, in view of the bar created under Section 37 of the Act, he is not entitled for bail.

Hence, in view of these facts, and without expressing any opinion on the merits of the case, the present petition filed by petitioner- Rajesh for grant of bail is, hereby,

dismissed being devoid of any merit.

21.11.2012 (Ram Chand Gupta) meenu Judge

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com