
(2022) 05 P&H CK 0135

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 22716 Of 2022

Gaurav Khanduja @ Gourav Khanduja

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 30-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 22(C), 27A

Citation : (2022) 05 P&H CK 0135

Hon'ble Judges : Avneesh Jhingan, J

Bench : Single Bench

Advocate : Ashit Malik, Geeta Sharma

Final Decision : Allowed

Judgement

Avneesh Jhingan , J

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 173, dated 30th July, 2021, under Sections 22(C) and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Sadar Ratia, District Fatehabad.

2. The brief facts are that the police during patrolling on 30th July, 2021, checked motor cycle bearing registration no. Hr-59B-9486. The riders were Balwant Singh and Harbans @ Bansi Lal. From their conscious possession, 6000 Alprazolam Tablets IP 0.5 mg weighing 1200 grams and 4900 Tramadol Prolonged-release Tablets IP weighing 2450 grams were recovered. During investigation the co-accused in his first disclosure statement named Khan as supplier of the recovered contraband but in the second disclosure statement they stated that recovered tablets were purchased from the Gaurav Khanduja(petitioner). Petitioner is in custody since 9th March, 2022 after his arrest no recovery was made.

3. Learned counsel for the petitioner argues that the petitioner was not

apprehend at the spot, no recovery was made from him and his name surfaced in the disclosure statement. He further submits that it is a case of false implication due to petitioner's involvement in another case under the Act.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that petitioner was supplier and is involved in one more case under the Act. The recover from the co-accused is of heavy quantity.

5. The evidentiary value of the disclosure statement would be subject matter of the trial, no recovery is made from the petitioner, his name surfaced in the disclosure statement. Petitioner is in custody since 9th March, 2022, conclusion of investigation and challan is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.