

Pardeep Kumar alias Nainia versus State of Haryana

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IN THE COURT OF D.R.CHALIA, SPECIAL JUDGE UNDER NDPS ACT, FATEHABAD (UID No.HR0065).

CNR No.HRFT01-009545-2022

CIS No.BA-1644-2022

Bail Application No.550 of 2022

Date of Institution: 04.10.2022

Date of Order: 11.10.2022

Pardeep Kumar alias Nainia, aged 23 years, son of Raja Ram, resident of village Pirthala, Tehsil and District Fatehabad.

... Applicant-accused.

Versus

State of Haryana.

...Respondent

FIR No.218 dated 05.09.2022

U/S: 21B, 29 of NDPS Act

Police Station: Sadar, Tohana

First Application for Regular Bail u/S 439 of Cr.P.C.

Present: Sh.Sanjay Verma, Advocate for applicant-accused.
Sh.Arun Kumar, Public Prosecutor for respondent-State.

ORDER:

This order of mine shall dispose of first regular bail application under Section 439 Cr.P.C. filed by applicant-accused in the above noted case.

2. Notice of bail application has been issued to State and reply has been filed. Both the parties have been heard and material collected by the police perused.

3. As per prosecution case, on 05.09.2022, in the area of Police Station Sadar, Tohana, a police party headed by ASI Bhupender Singh, on the basis of suspicion apprehended applicant-accused Pardeep Kumar alias Nainia and after conducting legal proceedings, 10

grams of heroin kept in a plastic pouch was recovered from right pocket of his pants in the presence of Mukesh Kumar SDO, Agriculture Department, Tohana. Present case under section 21B of NDPS Act was registered. Applicant-accused Pardeep Kumar alias Nainia was arrested and during interrogation, he suffered his disclosure statement admitting his guilt and disclosing that he had purchased 45 grams of heroin from co-accused Chander Mohan alias Golu son of Balwant, resident of Pirthala, at present resident of Gurgaon and 5 grams of heroin from co-accused Nasib, resident of Bhuna. On 23.09.2022, co-accused Nasib was arrested. Offence under section 29 of NDPS Act was added in the case. During interrogation, co-accused Nasib suffered his disclosure statement admitting his involvement in this case and disclosed that he had purchased 10 grams of heroin from Lakhan alias Lakhu son of Ram Kumar, out of which he had supplied 5 grams of heroin to present applicant-accused. Co-accused Chander Mohan alias Golu and Lakhan alias Lakhu are yet to be arrested in this case.

4. It is argued by learned counsel for applicant-accused that applicant-accused is innocent and has been falsely implicated in the present case on the basis of false, baseless and concocted allegations. It is further argued that applicant-accused has no concern with alleged recovery of 10 grams of heroin and moreover, alleged recovery of contraband falls under non-commercial quantity. It is further argued that applicant-accused is continuing in custody since 05.09.2022 and he is no more required by police for the purpose of further investigation and interrogation. It is further argued that completion of investigation

and thereafter, conclusion of trial of case shall take a long time and hence no useful purpose would be served by keeping applicant-accused behind the bars. At the fag end, it is prayed that applicant-accused may be released on regular bail.

5. On the other hand, learned Public Prosecutor for the State has strongly opposed the grant of bail to applicant-accused. It is argued that there are serious allegations against applicant-accused and investigation is still pending and co-accused are yet to be arrested. It is further argued that there are chances that in case applicant-accused is released on bail, then he may abscond from trial, may indulge in such like cases and may create hindrance in arrest of co-accused. At the fag end, it is prayed that present bail application may be dismissed.

6. I have considered the submissions of both the sides and have gone through the case file minutely and meticulously.

7. Perusal of file shows that there are allegations that 10 grams of heroin was recovered from applicant-accused after he was apprehended by police on the basis of suspicion, within the area of Police Station Sadar, Tohana. Hence, allegations against applicant-accused are serious in nature. Investigation in this case is still pending and co-accused are yet to be arrested. Apprehension raised by learned Public Prosecutor for the State that in case present applicant/accused is granted concession of bail, then he may abscond from trial, may indulge in such like cases and may create hindrance in arrest of co-accused, seems justified. Moreover, phenomenon of drug user and its make, has been a global problem and such illegal activities are

increasing day by day in the form of drug abuse and drug trafficking. The illicit use of drugs has an adverse effect not only on the human being but also on the society at large and causing adverse effects on younger generations.

8. Hence, keeping in view of the facts and circumstances of the case, gravity of offence and without commenting anything on the merits of the case, applicant-accused is not entitled for regular bail. Hence, application for regular bail filed by applicant/accused Pardeep Kumar alias Nainia is dismissed. Papers be tagged with main case file.

Announced:

(Ajay, SG-II)

(D.R. Chalia)
Special Judge under NDPS Act,
Fatehabad (UID No.HR0065)
Dated: 11.10.2022

CNR No.HRFT01-009545-2022

BA-1644-2022

Present: Sh.Sanjay Verma, Advocate for applicant-accused.
Sh.Arun Kumar, Public Prosecutor for respondent-State.

Reply to bail application filed.

Arguments have been heard.

Vide my separate order of even date, present application for regular bail filed by applicant-accused has been dismissed. Papers be tagged with the relevant remand papers.

Announced:

(D.R. Chalia)
Special Judge under NDPS Act,
Fatehabad (UID No.HR0065)
Dated: 11.10.2022

(Ajay, SG-II)