

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-310 of 2015

.....

Date of decision:16.1.2015

Sajjan Kumar

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. B.D. Sharma, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.147 dated 16.7.2014 registered for the offences under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police Station C-Division Amritsar, District Amritsar.

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

From the record, I find that on the basis of a secret information, a 'Naka' was laid and the police party apprehended Arun Kumar, Simranjit Singh and Shiva, whereas Sajjan Kumar alias Kota succeeded in running away. On search of above said accused, 500 Grams Heroin was recovered from the possession of accused Arun Kumar and

750 Grams Heroin was recovered from the possession of Simranjit Singh alias Kaka and Shiva as they kept the said Heroin in a polythene carry bag on the motorcycle in between them.

Keeping in view the facts and circumstances of the present case and the fact that commercial quantity of Heroin has been recovered, therefore, the bar of Section 37 of the NDPS Act will apply as Section 37 bars the grant of bail in case of commercial quantity to the accused. The mere fact that the present petitioner succeeded in running away as per prosecution version is no ground that a false case has been planted or that he is entitled to bail.

Therefore, in view of the above discussion, I do not find any merit in this petition and the same is dismissed.

January 16, 2015.

(Inderjit Singh)
Judge

hsp