

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

**Crl. Misc. No. M-345 of 2015
Date of decision: 13.01.2015**

Surjit Singh

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Munish Gulati, Advocate,
for the petitioner.

Mr. Gurvir Sidhu, AAG, Punjab.

RITU BAHRI, J.

This petition under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case F.I.R No. 212 dated 12.09.2014, under Section 21 of Narcotic Drugs & Psychotropic Substances Act, registered at Police Station, Sadar, Fazilka, District Fazilka.

As per the allegations in the FIR, the petitioner was riding a motorcycle and his co-accused Subhash Chander was a pillion rider. They were apprehended on the basis of suspicion. On conducting their search, 185 grams of heroin was recovered, out of which two samples weighing 1 gram each, were separated.

As per custody certificate, the petitioner was convicted and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1,00,000/- in case FIR No. 76 dated 21.05.1995, under Section 15 (c) of NDPS Act, registered at Police Station Dharamkot vide judgment dated 04.04.2006 passed by the Special Judge, Ferozepur. He was also convicted

and sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.5000/- in another case i.e. FIR No.30 dated 12.02.2006, under Section 15/61/85 of NDPS Act, Police Station, Dharamkot vide judgment dated 18.11.2009.

As per Entry No.56, recovery upto 250 grams of heroin falls in the category of 'non commercial' quantity. In the present case, even though the recovery is less than the commercial quantity, but keeping in view the fact that earlier also the petitioner was convicted in other cases of similar nature, no case is made out to release him on regular bail.

Dismissed.

(RITU BAHRI)
JUDGE

13.01.2015

ajp