

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-43123 of 2014
Date of decision: 21.4.2015

Manpreet Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

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Present: Mr. Gagandeep Goel, Advocate for the petitioner(s).

Mr. Jashanpreet Singh, AAG, Punjab for the respondent.

Darshan Singh, J.

This is the first regular bail petition under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter called 'the Cr.P.C.') filed by petitioner-Manpreet Singh in case FIR No.96 dated 8.10.2013 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called as 'NDPS Act'), registered at Police Station Hathur, Distt. Ludhiana, Punjab.

As per the prosecution allegations, on 7.10.2013, three vehicles carrying poppy husk were apprehended. The present petitioner was driving Gypsy bearing registration No.DL-5C-3416. The other vehicles were canter bearing Registration No.PB-08-BE-8318 and Innova Car bearing Registration No.PB-10-BX-7779. Total 80 bags of poppy husk containing 20 kgs poppy husk each were

recovered from all the vehicles. 4 bags containing 20 kgs of poppy husk each were recovered from the Gypsy being driven by the present petitioner. He was arrested at the spot. Since then he is in custody. Hence, this petition.

Learned counsel for the petitioner pleaded that the petitioner is a student. He has no criminal background. He is in custody for the last 18 months and his academic career is being adversely affected. The trial of the case will take time. So, he deserves the concession of bail.

On the other hand, learned State counsel pleaded that the poppy husk recovered from the possession of the petitioner falls within the definition of the 'commercial quantity'. As per Section 37 of the NDPS Act, he is not entitled for grant of bail.

The aforesaid contentions have been duly considered. This fact is not disputed that the quantity of the poppy husk recovered from the possession of the petitioner falls within the definition of the commercial quantity. Thus, the grant of bail in this case is governed by the provisions of Section 37 of the NDPS Act.

As per Section 37 Sub-section (1) (b) Sub-clause (ii) where the Public Prosecutor opposes the application, the bail can only be granted if the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and he is not likely to commit such offence while on bail. In the instant case, there is no material on record to satisfy the aforesaid conditions. Unless these conditions are satisfied the bail cannot be granted to

the accused, who has been found in possession of the commercial

quantity of the contraband.

Mere this fact that the petitioner is a student and is in custody for the last 18 months and his studies are being adversely affected, is not a ground to override the mandatory provisions of Section 37 of the NDPS Act.

Thus, keeping in view my aforesaid discussion, the present petition has no merits and the same is hereby dismissed.

April 21, 2015
ps

(DARSHAN SINGH)
JUDGE