

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-27707-2017

Date of decision: 04.08.2017

Jagdish Kumar @ Disha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. KS Dhillon, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through the instant petition under Section 439 Cr.P.C., the petitioner has prayed for grant of regular bail in case FIR No. 52 dated 01.09.2016 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Rawalpindi, District Kapurthala.

2. As per prosecution version, 65 grams of contraband was recovered from the possession of the accused which falls under the definition of “commercial quantity”.

3. Learned counsel for the petitioner contends that the petitioner was arrested per chance and, thus, it is unexplained on the file that how the alleged contraband recovered from the petitioner was weighed by the Investigating Officer. The entire final report under Section 173 Cr.P.C. is silent about the manner in which the alleged contraband was weighed to be 65 grams by the Investigating Officer. As per FSL report dated 22.11.2016

recovered contraband is only 3.41% which is quite meager.

4. On the other hand, learned State counsel vehemently opposed the bail application.

5. Considering the overall facts and circumstances of the case and the fact that the contraband recovered from the petitioner falls within the definition of “commercial quantity”, the petitioner does not deserve the concession of regular bail, keeping in view that the drug trafficking in this Northern region of the country has increased manifolds in the recent past and, thus, such type of crime has to be dealt with severe hands.

6. Petition stands dismissed.

August 04, 2017

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No