

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

CRM-M-29583-2017

Date of decision:- 31.10.2017

Mander Singh @ Laddi alias Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.B.S. Bhalla, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Mander Singh @ Laddi alias Sukhwinder Singh – an accused in FIR No.101 dated 4.6.2017, under Section 15 of NDPS Act, registered with Police Station City, Moga on the allegations that on 4.6.2017, he was found in possession of 8 kgs. of poppy husk, then while in police custody, he had suffered a disclosure statement and got recovered 52 kgs. of poppy husk more from his residential house, in that way total recovery being 60 kgs. of poppy husk, amounting to commercial quantity. He had moved an application for regular bail, which was dismissed by Judge, Special Court, Moda vide order dated 27.7.2017 for the reason that in view of stringent

provisions of Section 37 of NDPS Act, the application could not be allowed. As such he has approached this Court requesting for the same relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record and I find that no case for grant of regular bail to petitioner is made out. Admittedly, the contraband said to have been recovered from the petitioner amounts to commercial quantity. Section 37 of the NDPS Act comes in the way, which reads as under:

Offences to be cognizable and non-bailable.—

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3 [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-

section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

There is no reason available to this Court to record satisfaction that there are reasonable grounds for believing that the petitioner is not guilty of such offence and that he is not likely to commit any offence while on bail.

Even otherwise, the drug trafficking is rising at an alarming rate in this region, especially in the State of Punjab, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increase drug trafficking.

Thus, finding no merit in the petition, the same stands dismissed.

31.10.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No