

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

**CRM-M No. 32961 of 2017
Date of Decision: 12.9.2017**

Kuldeep Singh **.....Petitioner**

v.

State of Punjab **.....Respondent**

CORAM HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present:- Mr. Rajiv Joshi, Advocate, for the petitioner
Mr. RBS Chahal, Addl. AG, Punjab

SHEKHER DHAWAN, J.

Present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No. 100 dated 29.5.2017, under Sections 21 and 22 of NDPS Act, registered at Police Station Basti Bawa Khel, District Jalandhar and the allegations against the petitioner are regarding recovery of 50 grams of intoxicant powder containing hydrochloride.

Learned counsel for the petitioner contended that the petitioner is in custody since 30.6.2017 and decision of the case still to take some more time. More so, recovery of alleged contraband is from the co-accused and not from the present petitioner, so the petitioner be released on bail.

Learned State counsel, on the basis of custody certificate contended that there is one more case against the present petitioner under the NDPS Act and he is habitual offender and no case is made out for release of the petitioner on bail.

Having considered the fact that there are two cases against the petitioner, one bearing FIR No. 105 dated 11.6.2014 is under Sections 21/22 of NDPS Act, and that way he is repeatedly in conflict with law and is not entitled to be released on bail. More so, recovery in this case is of commercial quantity and it shall be a matter of decision during the trial whether the recovery was effected from the present petitioner or the co-accused. At this stage, no case is made out for release of the petitioner on bail.

The petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

12.9.2017
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No