

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

CRM-M-11312-2018

Date of decision:-3.5.2018

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by Gurpreet Singh – an accused in FIR No.103 dated 23.9.2013, under Section 22 of NDPS Act, registered at Police Station Amloh, District Fatehgarh Sahib.

As per the case of prosecution on 23.9.2013 when accused was apprehended by a police party in the area of village Annian, he was found in possession of 10 bottles of 100 tablets each of Lomotil. Since he could not produce any permit or licence for possession of such tablets, he was arrested in this case. The prosecution could not file the challan in the Court within the stipulated time, as such, he was granted bail under

Section 167(2) Cr.P.C. on 5.4.2014. However, he absented from the Court during the trial on 19.8.2016 and notice was issued to him for 17.10.2016 and then for 17.11.2016 but the petitioner/accused did not appear on 17.11.2016, resultantly his bonds were cancelled and forfeited to the State and he was ordered to be summoned through non-bailable warrants. On 21.11.2016, he was produced in the Court by the surety. The petitioner had moved an application for regular bail, which was dismissed by learned Special Judge, Fatehgarh Sahib vide order dated 3.4.2017, as such, he has approached this Court asking for similar 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.

Admittedly the recovery effected from the petitioner is of 1000 tablets of Lomotil and as per FSL report those were found to have salt of Diphenoxylate Hydrochloride and that amounts to commercial quantity. Section 37 of the 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.*
- (iii)(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.*

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 merits in the petition, the same stands dismissed.

3.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No