

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

(i) CRM No.M-22775 of 2018 (O&M)

Varinder Singh @ Mani

...Petitioner

VERSUS

State of Punjab

...Respondent

(ii) CRM No.M-32846 of 2018 (O&M)

Amandeep Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision: October 01, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Harish Sharma, Advocate
for the petitioner (in CRM No.M-22775 of 2018).

Mr.Naveen Sharma, Advocate
for the petitioner (in CRM No.M-32846 of 2018).

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as these
have arisen from same FIR.

Petitioners have filed these petitions under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.56 dated 09.03.2018 under Sections
21 and 25 of the NDPS Act, registered at Police Station Sadar, Khanna.

Notice of motion was issued. Learned State counsel appeared and contested the petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

As per the FIR, when the police party was carrying out checking, one car bearing registration No.PB-10FV-5863 make Swift Dezire having taxi number plate, was seen coming from Mandi Gobindgarh Sahib, which was signalled to stop by ASI. The car driver tried to sped away but he had to stop the car as one truck trolla came in front of the car. The driver of the car was nabbed along with three other persons riding in the car. On asking, the driver, disclosed his name Jaspreet Singh @ Jassi resident of Janta Nagar, Ludhiana. The person sitting on the conductor seat disclosed his name as Amandeep @ Aman, resident of Janta Nagar, Ludhiana. Persons sitting on the rear seat disclosed their names as Romins and Varinder Singh @ Sunny, resident of Haibowal, Ludhiana. On search, 425 grams of heroin was recovered from the dashboard of the car.

Learned counsel for the petitioners contended that both the petitioners were passengers in the car and they have no concern with the recovery.

On the other hand, learned State counsel argued that petitioners never told the Investigating Officer that they are passengers or from where they hired the taxi and where they have to go. No representation has been made to any higher authority nor any fact has been brought to the notice of the Investigating Officer or to any other authority qua this. He further argued that during investigation, as per the statements of the accused, they

were bringing heroin together after pre-planning.

The recovery in the present case is 425 grams of heroin, which falls under commercial quantity. Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity.

Keeping in view the facts and circumstances of the present case and in view of the provisions of Section 37 of the NDPS Act, I do not find it a fit case where petitioners are entitled to benefit of regular bail.

Therefore, finding no merit in both the petitions, the same are dismissed.

However, nothing stated above, shall constitute my opinion on merits of the case.

October 01, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No