

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

**CRM-M-17805-2019
Date of decision: 29.04.2018**

Surjeet Singh alias Situ

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Navneet Jindal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed for grant of regular bail to the petitioner in case FIR No. 193 dated 24.12.2018, registered under Section 21 of the NDPS Act, 1985 (*for short 'the Act'*) at Police Station Ding, District Sirsa.

As per the allegations in the FIR, on receiving a secret information, a notice under Section 42 of the Act was sent to the DSP Office and thereafter, the police stopped a car and apprehended the driver who disclosed his name as Gurpreet Singh @ Gopi. The petitioner was sitting on the co-driver seat and one person namely Ved Parkash @ Vedu was sitting on the rear seat of the driver. Thereafter, they were served with a notice under Section 50 of the Act, upon which, the accused persons opted to be searched before a Gazetted Officer. Subsequent thereto, the DSP was called at the spot by calling on his mobile phone and in the presence of the DSP, the search of the car was conducted and a transparent packet containing Heroin was found

in the dashboard of the car. On weightment, the recovered Heroin was found to be 140 Grams.

Learned counsel for the petitioner has argued that the police has followed defective the procedure as the same officer, whom the notice under Section 42 of the Act was given to, was called at the spot when the petitioner has given his option in response to notice under Section 50 of the Act.

Learned State counsel, on instructions from ASI Sita Ram and on the basis of the custody certificate, has, however, opposed the prayer of the petitioner and submitted that petitioner is involved in number of FIRs under the NDPS Act.

A perusal of the custody certificate shows that petitioner is involved in number of FIRs pertaining to the years 2014, 2015, 2016 and 2017 and in one of the case, he has been convicted for a period of four year.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case, considering the fact that petitioner is involved in number of FIRs under the NDPS Act, I find no ground to grant regular bail to him.

Accordingly, this petition is hereby dismissed.

29.04.2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*