

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc.6613 of 2019
and
Criminal Misc. No.M-45901 of 2018

.....

Date of decision:28.02.2019

Ranjit Singh alias Jeeta

...Petitioner

v.

State of Punjab

...Respondent

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gaurav Mohunta, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

Cr. Misc.6613 of 2019:

For the reasons mentioned in the criminal miscellaneous application, documents appended as Annexures-P.5 and P.6 with the application are taken on record subject to just all exceptions.

The criminal miscellaneous application is allowed.

Cr. Misc. No.M-45901 of 2018:

The petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.187 dated 26.6.2017 registered for the offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police Station Sadar Nakodar, District Jalandhar.

Notice of motion to Advocate General, Punjab.

[2]

Ms. Monika Jalota, learned Deputy Advocate General, Punjab has put in appearance on behalf of respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

As per the prosecution version, the present petitioner was apprehended along with 56 Kg. poppy husk which falls in commercial quantity.

Learned counsel for the petitioner argued that a false case has been planted upon the present petitioner. Earlier two cases were also planted in which bail has been granted to the petitioner.

Keeping in view the facts and circumstances of the present case, at this stage, there is nothing to show that a false case has been planted. This plea is to be considered by the learned trial Court on the basis of evidence.

Keeping in view the fact that the recovery falls in commercial quantity, therefore, bar of Section 37 of the NDPS Act will apply in this case and the petitioner is not entitled to the benefit of bail.

Therefore, in view of the above discussion, I do not find any merit in this petition and the same is dismissed.

February 28, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No