

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 1451 of 2020 (O&M)

Date of decision : 20.1.2020

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Parvej @ Munna

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. H.S. Bhogal, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Petitioner -Parvej @ Munna, an accused in FIR No. 50 dated 14.6.2019 for offences under Sections 22, 25 and 29 of NDPS Act, 1985, registered at Police Station Sadar, Nawanshahr, has filed the present petition for grant of regular bail.

Briefly stated, facts of the case, as per the prosecution version are that on 14.6.2019, when the accused was apprehended he was found in possession of contraband i.e. 18 injections of Buprenorphine, measuring 2 ml each bearing Batch No. 1L19005 and 18 injections of Avil, measuring 10 ml each. After completion of investigation he has been challaned. The trial against him is going on. He had moved an application for grant of regular bail before the trial Court, which was dismissed vide order dated 19.7.2019, passed by Judge, Special Court, SBS Nagar.

As such now the petitioner has approached this court seeking similar relief, which is being opposed by the learned State counsel.

Admittedly, the recovery effected from the accused comes under the definition of commercial quantity. Section 37 (b) of the NDPS Act, 1985, provides that

“37. Offences to be cognizable and non-bailable.

—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) XXX XXX XXX

(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.”

In this case, I do not find any reason to record satisfaction and to believe that the accused is not guilty of any offence and that he is not likely to commit any offence while on bail.

Learned counsel for the petitioner has submitted that there are various infirmities and irregularities during investigation.

However appropriate stage and forum to point out the same is the trial Court. Due to bar of Section 37 of the NDPS Act, the petition cannot be accepted.

Dismissed.

20.1.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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