

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

CRM-M-13462-2020

Date of decision:-3.7.2020

Jugraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Ms.Sumati Jund, Advocate
for the petitioner.

Mr.J.P. Ratra, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner –
Jugraj Singh, aged about 39 years – an accused in FIR No.144 dated
24.11.2019 for the offence under Section 22 of NDPS Act, registered at
Police Station Phase 11 SAS Nagar.

Briefly stated, the facts of the case as per prosecution story

are that on 24.11.2019 when apprehended by the police of Police Station Phase 11, SAS Nagar (Mohali), accused Jugraj Singh was found in possession of 20 strips of intoxicating Lomotil tablets (each strip containing 60 tablets) total 1200 tablets. The accused was arrested in this case. Formal FIR was registered. As per report from FSL, the contents of samples of tablets sent there were found to be Diphenoxylate Hydrochloride. Each tablet was found to be weighing 63 mg. And the total weight of 1200 tablets came out to 75.6 gms., which amounts to commercial quantity. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Judge, Special Court, SAS Nagar (Mohali) vide order dated 4.2.2020, as such, he has approached this Court with the same request.

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.

Learned counsel for the petitioner has raised various contentions; firstly that provision of Section 50 of NDPS Act with regard to conducting search of a person was not complied with; that no independent witness was joined at the time of effecting alleged recovery; only one representative sample was sent for chemical examination; the police officer, who had apprehended the petitioner had conducted investigation in the case; that the petitioner is in custody since 27.11.2019 etc.

However, these contentions may be helpful to the

petitioner/accused during the trial but not at this stage of determining whether the petitioner is entitled for grant of regular bail or not. The factors which are to be considered to determine whether the petitioner is entitled to grant of bail are different from the factors which are to be kept in mind while determining guilt of an accused during trial. In this case, the contraband said to be recovered from the possession of petitioner amounts to commercial quantity attracting rigor of Section 37 of the Act. There is nothing to record satisfaction that there are reasonable ground for believing that petitioner is not guilty of that offence or that she has not committed any offence.

The drug trafficking is rising at an alarming rate in this region, 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 increased drug trafficking.

Therefore, finding no merit in the petition, the same stands dismissed.

3.7.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No