

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

**CRM-M-15085-2020
Decided on : 23.06.2020**

Sandeep Kumar @ Kaka

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Vikas Malik, Advocate
for the petitioner(s).

Ms. Samina Dhir, DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, in case FIR No. 142, dated 17.07.2019, under Sections 22 & 29 of the NDPS Act, 1985 and under Sections 25, 54, 59 of the Arms Act, registered at Police Station Division No. 7, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case. The alleged recovery of 260 grams of narcotics powder and a pistol with one bullet was foisted upon him by the investigating agency. Further, the alleged recovery of narcotics powder contained just 7.68% of tramadol hydrochloride i.e. 19.97 grams as per the FSL report, which was significantly less than the commercial quantity. It has been further contended that the petitioner has been in custody since 17.07.2019 and the trial is unlikely to conclude in the near future.

Heard.

This is the second petition for grant of regular bail under Section 439 Cr.P.C. filed by the petitioner, as the earlier petition i.e. CRM-M-10536-2020 for

grant of regular bail was filed and subsequently withdrawn by the petitioner only

on 08.05.2020.

The petitioner is alleged to have been found in possession of heavy quantity i.e. 260 grams of intoxicant powder, which falls within the commercial quantity. No new ground or change of circumstances have been brought forth by the petitioner, after the withdrawal of his earlier petition CRM-M-10536-2020, which would merit acceptance of the second petition.

In the circumstances, no ground for grant of regular bail is made out, at this stage.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

June 23, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*