

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15273-2020

Date of Decision: 30.06.2020

Gaurav Gandhi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Maninderjit Singh, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing.

Through this petition under Section 439 Cr.P.C., petitioner-Gaurav Gandhi, has prayed for grant of regular bail in case FIR No. 41 dated 21.03.2019 registered under Section 21 of the NDPS Act at Police Station Lalru, SAS Nagar (Mohali).

According to prosecution, petitioner was apprehended with conscious possession of 600 grams of heroin, while travelling in Haryana Roadway bus.

Learned counsel *inter alia* contends that petitioner has falsely been implicated in the instant case. Presence of Gazetted Officer-Deputy Superintendent of Police, at the spot is doubtful, as recovery memo (Annexure P-2) does not bears his signatures. Therefore, personal

search of the petitioner was not conducted by a Gazetted Officer, in utter violation of Section 50 of the NDPS Act. Place of recovery is also doubtful. There is contradiction in the recovery memo and statement of ASI Nirpinder Pal Singh (Annexure P-3), inasmuch as, according to his statement three mobile phones were recovered, on personal search of petitioner, contrary to recovery memo, wherein recovery of two mobiles from the petitioner was shown.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Having given thoughtful consideration to the rival submissions, this Court is not inclined to grant bail to the petitioner, inasmuch as, recovery of contraband from him i.e. 600 grams of heroin is more than double the quantity which falls under the definition of 'commercial quantity', i.e. 250 grams. More so, drug trafficking in this Northern region of the country has increased manifolds in the recent past and, thus, such type of crime has to be dealt with severe hands.

Dismissed.

June 30, 2020

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No