

CRM-13824-2020 in/and
CRM-M-15286-2020 (O&M)
Date of Decision: 17.07.2020

JOHN WILLIAM

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohit Nehra, Advocate for the petitioner.
Mr. Randhir Singh Thind, DAG Punjab.*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)CRM-13824-2020

Reply has been placed on record.

Petitioner is confined in custody in case bearing FIR No.121 dated 6.4.2019 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Phillaur, District Jalandhar (Rural) as 500 gms of heroin has been recovered from him. The petitioner is seeking interim bail on the score that his father passed away on 20.5.2020 and his last rites and condolence ceremony was fixed for 5.7.2020. It has been stated that subsequently, the same has been postponed for 19.7.2020. In the reply, it has been pointed out that the brother and cousin of the father of the petitioner had made statements with regard to the ceremonies having been postponed from 5.7.2020 to 19.7.2020.

It may be mentioned here that the father of the petitioner died in Nigeria. The petitioner is also a resident of Nigeria. It sounds improbable that the last ceremonies of the person dying in Nigeria are being solemnized in Delhi. On a query to learned counsel for the petitioner as to which essential ritual has to be performed by the petitioner in the condolence ceremony, he has not been able to answer to the query and has only stated that the presence of the petitioner will be

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required in the gathering to condole the death of his father.

In these circumstances, it cannot be said that any such condolence ceremony cannot be performed without the physical presence of the petitioner. Petitioner is a resident of Nigeria and in the event, any such concession of interim bail is granted to him, chances of his fleeing from justice cannot be ruled out.

Accordingly, application is dismissed.

Main case

In the instant case, as per the allegations of the prosecution on 6.4.2019, 500 gms of heroin was recovered from the possession of the petitioner and quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity. As such, stringent provisions of Section 37 of NDPS Act come into play. There is nothing to suggest that the petitioner has not committed the offence and is not likely to commit the offence while on bail. Moreover, the petitioner is a resident of Nigeria and chances of his fleeing from justice cannot be ruled out in the event he is granted concession of bail.

In these circumstances, no ground is made out to grant concession of bail to the petitioner.

Dismissed.

17.07.2020

Janki

**(VIVEK PURI)
JUDGE**

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