

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

CRM-M-15451-2019

Date of decision:-18.12.2020

Saraj Singh alias Ghudi

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Brijesh Nandan, Advocate
for the petitioner.

Mr.R.S. Thind, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner – Saraj Singh alias Ghudi, aged about 27 years, resident of village Ratoke, Tehsil Patti, District Tarn Taran – an accused in FIR No.56 dated 13.8.2018 for the offence under Section 22 of NDPS Act, registered at Police Station Khem Karan, District Tarn Taran.

Briefly stated, the facts of the case as per prosecution story are that on 13.8.2018, a police party from Police Station Khem Karan, District Tarn Taran had apprehended petitioner/accused Saraj Singh alias Ghudi and recovered 1000 intoxicant loose tablets of yellow colour without label. Accused was arrested in this case. The recovered contraband was seized. After completion of investigation and other formalities, challan along with FSL report was presented in the Court. On finding the contraband to be commercial in nature, learned trial Court cancelled the conditional bail, granted to the petitioner/accused vide order

dated 5.11.2018 and sent him to judicial custody vide order dated 25.1.2019, as such, he has approached this Court with the request for regular bail.

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.

Admittedly, the contraband said to have been recovered from the possession of petitioner amounts to commercial quantity attracting rigor of Section 37 of the Act. Section 37 of the Act, which reads as under:

Offences to be cognizable and non-bailable.—(1)

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

(a) every offence punishable under this Act shall be cognizable;

(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.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

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.

Even otherwise, the trial against the petitioner is at the fag end and as informed by the State counsel, out of 8 prosecution witnesses cited, 7 have been examined and date of hearing in the trial Court is today itself. In that way, the trial is likely to be completed very soon, which would reveal as to whether the petitioner is guilty or not and if his guilt is not established, he would be set at liberty. However, under the circumstances, the petitioner is not entitled to get bail during the pendency of the trial.

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

18.12.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No